

**TOWNSHIP OF EGG HARBOR
SPECIAL PLANNING BOARD MEETING**

April 26, 2016

Planning Board Professional(s):

Solicitor: Christopher Brown, Esq.: (Not in Attendance)

Engineer: James A. Mott, P.E., of Mott Associates: (Not in Attendance)

Planner: Vincent Polistina, P.P., of Polistina and Associates: (Not in Attendance)

Planning Board Deannexation Professional(s):

Special Counsel: Dean R. Marcolongo, Esq. (present)

Special Planner: Stuart B. Wiser, P.P., A.I.C.P., Remington, Vernick & Walberg Engineers (present)

A special meeting of the Planning Board of Egg Harbor Township was held on the above date, 5:00 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

Roll Call Taken as follow(s):

Manuel E. Aponte, V-Chair., present

Charles Eykyn, present

James Garth, Sr., Chairperson, present

Frank Kearns, present

Dennis Kleiner, Alt. #1, excused

Robert Levy, another engage.

Mayor James J. McCullough, Jr., * See below

Peter Miller, Township Administrator, recused

Committeewoman, Laura Pfrommer, present

Daniel Pittaro, Alt. #II, excused

Paul Rosenberg, 2nd V-Chairperson, present

***May the record reflect:** Mayor James J. McCullough has recused himself from these hearings. He has sent Atlantic County Freeholder, John Carman, whom is present.

CONTINUATION OF PUBLIC HEARING(S):

- 1. Public Hearing:** Deannexation petition submitted by the Seaview Harbor section of Egg Harbor Township seeking annexation with Longport Borough.

Special Board Solicitor Marcolongo advised Special Board Planner Wiser he is still under oath.

Attorney Doyle referred to page 222 paragraph #4, which indicated the Seaview Harbor ratable loss would be 1% of the total municipal and 1% of the total School District revenue. He indicated this comes from the introductory paragraph that notes Mr. Ryan testified and to support this opinion he testified to a number of things and between pages 221 and 226 Special Board Planner Wiser itemizes the thirteen items dealing with taxes.

Attorney Doyle stated Mr. Costello did not argue or contest that number did he. Special Board Planner Wiser stated he updated because his report was done in 2015 and Mr. Ryan's report was done using 2013 numbers or whatever the dates were. Attorney Doyle stated he did not argue they were wrongly arrived at. Special Board Planner Wiser stated not substantially. Attorney Doyle asked in any event. Special Board Planner Wiser stated not. Attorney Doyle asked Special Board Planner Wiser beyond the different in year he notes on page 223, footnote 366 it is mentioned there are two (2) different valuations given one by Mr. Ryan and the other by Mr. Costello both in the 90's.

Attorney Doyle then asked if this is representative of what Special Board Planner Wiser just said, which is a year to year change. Special Board Planner Wiser stated he imagines so. Attorney Doyle stated beyond these numbers he did not contest any of the numbers, did he other than the year change. Board Planner Wiser stated if he did it was not material.

Attorney Doyle stated it is mentioned on page 222 the total amount of revenues and the percentages derived from taxes and the percentages derived from other funding. Attorney Doyle then presented an email that was sent to him on May 2, 2014 from Mr. Miller. He then read this email into the record. Mr. Doyle then asked Special Board Planner Wiser that is consistent the number is slightly different than what you reported Mr. Ryan had said. Special Board Planner Wiser stated yes, in general.

Attorney Doyle asked during this hearing has there been any comment that the movement of Seaview Harbor, if it were to be done from Egg Harbor Township to Longport, would reduce in anyway the non-tax revenues for the town or schools in the 40% or 50% area. Special Board Planner Wiser stated he does not recall that or any testimony along those lines. Attorney Doyle referred to paragraph 5 on page 222 Special Board Planner Wiser noted Mr. Ryan indicated there would some savings to the Township if annexation were granted. Attorney Doyle stated he did not, as Special Board Planner Wiser pointed out, quantify that. He asked Special Board Planner Wiser to his knowledge did the Township ever do or commission any study or any other fact finding to quantify what those savings may be.

Special Board Planner Wiser stated he cannot speak as to what they may or may not have commissioned but they did not commission him to do anything and there was nothing entered into the record. Attorney Doyle asked Special Board Planner Wiser he is aware from his work in Berkley Township that such a study was done by Ken Moore, who as of last year had been Egg Harbor Township's auditor. He asked if Special Board Planner Wiser ever suggest the appropriateness of conducting such a study as Mr. Moore had done in Berkley. Special Board Planner Wiser stated he does not want to speak to what Mr. Moore did or didn't do in Berkley because that is ongoing and there is some questions concerning the validity of that. In terms of did he ask for anyone to quantify. He indicated he thinks we asked about it during these hearings when people were testifying. The Police Chief, the Public Works Director. He indicated he does not believe he specifically requested outside of the hearing process any information like that.

Attorney Doyle stated Special Board Planner Wiser knows from reading the cases for West Point Island, Avalon, Ryan, and most recently Bay Beach Way the cases mention a percent of ratables in the affected area compared to the town as whole which they want to leave. He asked if he has seen that number. Special Board Planner Wiser stated yes. Attorney Doyle asked if he would agree the less the percentage number becomes, that is the percentage of ratables in the area that seeks deannexation compared to the town as a whole. The less that number becomes the less financial effect it has on the Township as a whole and its tax payers. Special Board Planner Wiser stated the significance of the impact he is going to leave to the decision makers in this. He stated the percentages translate into dollar values in this case and they impact different people differently.

Attorney Doyle stated when the petition was submitted the ratable base in Egg Harbor Township was slightly over 4 billion dollars and Seaview Harbor was slightly over 100 million dollars. He indicated since then, according to S139, tax appeals have reduced the otherwise ratable base of Egg Harbor Township by 1% but the same in Seaview Harbor has been 6%. He stated again that will reduce the proportion of the ratable base we are if the tax appeals continue on potentially. Special Board Planner Wiser stated any change would modify the percentage, yes. Attorney Doyle stated Special Board Planner Wiser did

not make any reference to the tax appeals in this report or S149. Special Board Planner stated he does not remember specifically if he did but he thinks there was a recognition that there had been tax appeals but there were tax appeals all over the and there were also added assessments all over the Township so he went with the numbers that the two (2) consultants provided and he did not find a need to go back and update them. He indicated they would change, one would assume, almost daily. Attorney Doyle stated with his recollection with the added assessments over the last period of time covered by the exhibit there was 1 million dollars in added assessments and the period of time was between five (5) and ten (10) years in Seaview Harbor and there was 249 Million in the rest of Egg Harbor Township. Special Board Planner stated whatever the exhibit says. Attorney Doyle stated that was not mentioned in the report either, that change. Special Board Planner Wiser stated no.

Attorney Doyle stated again that change caused the continued reduction in the proportion of Seaview Harbor ratables are the Township as a whole. Special Board Planner Wiser stated to the extent there was a change. Attorney Doyle stated he mentioned tax appeals. He indicated tax appeals became a subject when Mr. Ryan testified. He then read a portion of the October 24, 2014 Planning Board minutes. He asked Special Board Planner Wiser if he obtain the statistics or the number that Board Member Aponte had requested. Special Board Planner Wiser stated it is not in his report so he is going to say no. Attorney Doyle stated there have been a number of discussions concerning ratables, assessments, comparisons between Seaview Harbor ratables and the rest of Egg Harbor Township ratables, added assessments, commercial assessments, tax appeals residential and commercial and abatements. He indicated all these items fall within the purview of the tax assessor. He asked if Special Board Wiser knows why she was never called. Special Board Planner Wiser stated no.

Attorney Doyle referred to page 225 paragraph 11 of Special Board Planner Wiser's report. He then read onto the record a portion of this paragraph. After reading this information Attorney Doyle stated he acknowledges subsequently he sought to place into evidence S142 and S143 but who testified Mr. Ryan or anyone testified the commercial development abatements were highlighted by them to show the town was voluntarily sacrificing ratables. Special Board Planner Wiser asked why else would he put this in. He indicated it was in the context of the conversation we were having at the time.

Attorney Doyle stated he went through the minutes of that meeting and he does not see where Mr. Ryan introduced that subject. He indicated he does see on page 14 (October 24, 2014), keeping mindful a discussion ensued but that comes from what was said on Page 221 of his report, that Mr. Ryan testified to the tax impacts and this was number 11. Attorney Doyle then read from the minutes concerning a question from Board Member Aponte to Mr. Ryan concerning consideration of commercial tax abatement program and if it was important to and Mr. Ryan advised he did not and that it would show built in growth as these programs are in place. He stated that according to the minutes was the entire discussion about the abatement program. He asked how this limited testimony justify comments in paragraph 11. Special Board Solicitor Marcolongo stated keep in the minutes are not a transcript of the testimony and does not fully support everything that was said at the meeting. Special Board Planner Wiser stated he does not remember when he wrote that specific paragraph and he does not remember what time had passed between Mr. Ryan's statements, Mr. Aponte's question, and when he wrote that paragraph. He indicated that was the sense he got reviewing his notes as to the context of that statement. He indicated if Attorney Doyle has evidence otherwise he is sure the Board would be interested, but that is his recollection and his understanding of the context at the time he wrote it.

Attorney Doyle stated he would like to present Special Board Planner Wiser from the 2015 budget sheet UFB-6 which shows the abatement program. Special Board Planner Wiser asked if we had an exhibit

that dealt with the abatement program. Attorney Doyle stated yes, S142 was offered but for whatever reason it was not allowed to go and was marked for identification and we offered S143, which did go into evidence. He indicated one was a contract for a particular abatement and the other was a chart showing various abatements in various segments of the five (5) year program.

Special Board Solicitor Marcolongo asked Attorney Doyle that he is evidencing S142. Attorney Doyle stated no. He advised the document he has in front of him is neither S142 nor S143, but a new document, as Special Board Planner Wiser just said, the Board may have determining the abatement program. He indicated Mr. Ryan only testified about it because Board Member Aponte asked him and he testified the commercial tax abatement program would show growth and we want to explain that growth. Special Board Solicitor Marcolongo stated again we have to very careful about supplementing the record at this point. He advised we have had testimony and evidence regarding the abatement program to present additional information he believes is not appropriate at this time. He indicated with respect to Special Board Planner Wiser advising the Board might find this interesting or not he will leave to the Board.

Attorney Doyle stated he does not know why there is an issue with what Special Board Solicitor Marcolongo stated is supplementing the record and Attorney Doyle stated he is trying to correct the record. Attorney Doyle then placed on the record his argument as to why he should be allowed to place a sheet of paper, a public document from the Township's budget. Special Board Solicitor Marcolongo then stated he understands during the cross examination of Township witnesses there will be the presentation of documents, during Attorney Doyle's affirmative presentation and the Township's affirmative presentation. He indicated we are beyond this and at the Planner at this point that is where were are not supplementing the record anymore.

Attorney Doyle stated Special Board Planner Wiser is a witness and he filed a report. He then gave examples such as Chief Davis, Director Simerson, etc... Special Board Solicitor Marcolongo stated if this document is to rebut some testimony he has given or his report that is fine he has no difficulty with that. Special Board Planner Wiser advised he will say this, if the rational for Mr. Ryan speaking about tax abatement is to evidence that there has been growth in the Township. He will stipulate there has been growth in the Township. He indicated if he mischaracterized the motive, majoritively, the rational, the reason for Mr. Ryan speaking of that. He will say if he mischaracterized it, ok maybe he mischaracterized it. Special Board Planner Wiser stated the Board, better than any of us here, knows what kind of growth has happened in the Township. Attorney Doyle stated Special Board Planner Wiser's comment in the report was that the Township was voluntarily sacrificing ratables in the amounts that otherwise offset any financial loss attributable to deannexation as our proof.

Attorney Doyle stated all he wants to do is to put in a sheet that shows that in 2015. He then indicated he read it. Special Board Solicitor Marcolongo stated it is cross examination at this point and Attorney Doyle will ask questions of Special Board Planner Wiser. He indicated he is not going to read it into the record so that it is in the record.

Attorney Doyle asked Special Board Planner Wiser that he made reference to the abatement testimony given by Mr. Ryan within his paragraph 11 and Mr. Ryan testified not to what Special Board Planner Wiser said but that it would show growth. He asked would not Mr. Ryan comments be sustained by the 2015 that shows the current tax pilot billing was \$302,398.00 but if and when each of those pilots reach 100% taxation the total amount of taxes to be paid would be 1,062,350.00. Would this not sustain Mr. Ryan's testimony and fly in the face of his comment. Special Board Planner Wiser stated he does not

know if they are mutual exclusive but it shows growth. Freeholder Carman stated he has one question. He indicated it seems a little misleading. He stated is it true during the tax abatement program the Township itself proper collects the total tax, no County or anything like that and once it's done they have to pay the County. He asked if this is true. Special Board Planner Wiser stated he does not know the answer to that. He advised there are different ways to structure pilots and there are multiple pilots the Township has.

Attorney Doyle stated to Freeholder Carman that given to earlier testimony indicated from both Mr. Ryan and Mr. Costello that the tax rate was approaching \$3.00 and the amount of the school budget is \$1.85 and the Township budget approximately \$0.53 ended up to \$2.38 out of \$2.96 suggest that 80% of the tax dollar goes to either school or towns. He asked if this is correct. Special Board Planner Wiser stated under a pilot the traditional formulated tax payment is modified the Township gets a piece, the County is supposed to get a piece and the school board is often left out or could voluntarily get a piece. He stated it is his understanding the base land value remains to be paid but the differential on the improvement gets paid 20% a year until it reaches 100%. Attorney Doyle stated until you get to the million dollars you have to start paying the other entities. He stated to the degree that the school board and town constitute somewhere between 75% to 80% in the budget and that million dollars means \$750,000.00 is coming back which is a lot better that the \$300,000.00 but as Special Board Planner Wiser said if it shows growth it shows growth. Freeholder Carman asked if it possible the school does not get a cut of it until it matures. Special Board Planner Wiser stated it is entirely possible, but he does not know. He stated he knows theoretically but he does not know in concrete how Egg Harbor Township structures its various tax abatements or pilot programs.

Board Member Aponte stated he remembers asking that question and if they had the transcript it would show we went through this whole line of questioning. Attorney Doyle stated all he had was the minutes.

Attorney Doyle then referred to page 227 in report. He indicated Special Board Planner Wiser rightly noted Mr. Costello provided no opinion as to the impact of deannexation on the residents of Seaview Harbor or the Township residents, preferring simply to present his data which was what he called a snap shot. Special Board Planner Wiser stated yes. Attorney Doyle stated in the Avalon case and other cases suggest you look into the future for 20 years and balance. He asked if it is not true the other cases say you should look into the future and determine what, as best as you can, what the future holds for the town and for the area for which deannexation is sought and compare and balance the future views. Special Board Planner Wiser stated he believes they say it is not permissible to do so. Attorney Doyle asked as a Planner does he not think it is appropriate to look into the future. Special Board Planner Wiser stated absolutely. Attorney Doyle asked Special Board Planner Wiser then he has no quarrels with the conclusions of Avalon or the other cases in that effect. Special Board Planner Wiser stated it is not for him to quarrel with the conclusions of the court.

Attorney Doyle stated on the whole issue of finance he would like to raise the exact standard that is in the statute, not the case law, but the statute. He then noted this statute was amended in 1982 and has not been amended since has it. Special Board Planner Wiser stated he believes he was asked this before and to his knowledge no. Attorney Doyle asked did any witnesses specifically testify that deannexation, if granted, would cause significant injury to the wellbeing of the municipality in which the land is located, other than himself to the degree that his report does. Special Board Planner Wiser stated he believes that the witnesses did not make a judgement. Attorney Doyle stated the ratable loss from Seaview Harbor would be 1.3 cents. Special Board Planner Wiser stated whatever the number was. He

remembers there was \$550,000.00 plus or minus number. Attorney Doyle correct him and said it was \$505,000.00. Attorney Doyle stated that based upon the 2014 tax rate it is a 2% increase. He asked if Special Board Planner Wiser if he considers the result of the 1.3 cent increase on the average homeowner in Egg Harbor Township with an assessment of \$208,100.00, which is \$27.00 a year to be significant. Special Board Planner Wiser stated as like the other witnesses it is not up to say it is significant or not. He indicated for some people it would be significant for others it perhaps would not be. He indicated this is a question that he believes they went over before.

Attorney Doyle indicated he asked this because in reviewing past budgets, as in 2011, when Mr. Miller introduced the budget to the Township Committee said this year's budget requires a 4.9 cent tax increase. Even with the modest increase of local property tax rate it is .5 cents less than last year. The impact on an average property owner will be \$49.00 tax increase for the year. Attorney Doyle asked Special Board Planner Wiser if Mr. Miller described a 4.9 cents that is nearly 4 (X) times the 1.3 cents deannexation would cost and an impact of \$49.00 that is nearly twice the \$27.00 as modest you certainly cannot say 1.3 cents and \$27.00 is significant if that was modest can you. Special Board Planner Wiser stated he would have to ask Mr. Miller that question. He indicated they are not his words and he cannot speak to them.

Attorney Doyle referred to Page 234 of Special Board Planner Wiser's report. He indicated speaking of the tax impact Special Board Planner Wiser noted "regardless of how small they may be and smaller they may get. It still represents revenues that would not be available if Seaview Harbor were allowed to be deannexed". May the record reflect: Special Board Planner Wiser questioned if this notation was on Page 234. Attorney Doyle reviewed Page 234 and this information was not reference. After a few moments Attorney Doyle asked Special Board Planner Wiser this is obviously true if Seaview Harbor were deannexed no matter what proportion it would be it would still be a loss to the Township in the future. Special Board Planner Wiser stated to the extent there is no revenue coming in from whatever source that is a loss to the Township. Attorney Doyle asked Special Board Planner Wiser that he is not suggesting deannexation should only be allowed if it cost the municipality, who loses the area, absolutely no loss in ratables is he. Special Board Planner Wiser stated it is not up for him to say it is up to this board and then the governing body to determine if that impact is significant to the Township and then they will vote, make a decision and then presumably a court is going to decide what is significant or not.

Attorney Doyle stated to Special Board Planner Wiser what he is asking him, does he think, that a 47 page treatise on the law and the analysis, the intent of law was to say any reduction in ratables should disqualify any areas from seeking deannexation. Special Board Planner Wiser stated he does not think it says that.

Attorney Doyle stated he would like to move on to bonding. He indicated Mr. Ryan had indicated given the immense amount of bonding capacity left that deannexation would not have an impact. He indicated Mr. Costello concurred with this and Special Board Planner Wiser noted this on Page 231 of this report. Attorney Doyle noted we now have Mr. Ryan and Mr. Costello, the only two (2) financial experts who testified, saying the bonding capacity left that there would not be an impact by deannexation. However, Special Board Planner Wiser concluded that the "potential exist for the reduction of municipal revenues due to deannexation to impact the Township habitually low fund balance and thereby impacting the municipalities bond rating and interest rate assigned to the Township bond".

Attorney Doyle stated to Special Board Planner Wisner it is given that he is not a finance person and the two (2) finance experts that testified both opined that it would not have an effect. He asked Special Board Planner Wisner how does he make a conclusion, based on the facts that in the record, based on his expertise. Special Board Planner Wisner stated Mr. Costello declined to comment. He then stated he would like to take a step back. He indicated the comment Attorney Doyle ascribed to Mr. Costello and Mr. Ryan was speaking of the bond capacity not the bond rating. He indicated the fund balance, which was discussed at length, and some exhibits that he included in his report, that spoke to a low fund balance having the ability to impact the Township's bond rating not capacity, which is two (2) separate issues.

Attorney Doyle stated o.k., to be sure Special Board Planner Wisner is not opining that deannexation would affect the bond capacity and cause injury. Special Board Planner Wisner stated not significantly. Attorney Doyle referred back to Page 231 of Special Board Planner Wisner's report and then read onto the record under B. Bonding (1) the third paragraph. Attorney Doyle after he read this paragraph stated Mr. Ryan indicated it would not have an effect. He then asked Special Board Planner Wisner what evidence did he use, in the record, to make the conclusions he has. Special Board Planner Wisner stated there was an ensuing discussion that he spoke of on Page 231 B Bonding (2) and following where the bond rating is related to the fund balance and the Township's fund balance. Special Board Planner Wisner then read onto the record a section of paragraph 2 on Page 232 of his report concerning Mr. Costello's testimony. He then jumped to Page 233 of his report read onto the record the second paragraph and continued down to including the paragraph italicized.

Special Board Planner Wisner stated the point they were making whether it was a caution, the bond raters, the Standard and Poor's person, certainly found it necessary to comment on the fund balance situation. Attorney Doyle stated this is all the existing situations. He indicated that does not deal with what impact this reduction of less than 2% of the ratable would have does it. Special Board Planner Wisner stated he thinks Mr. Ryan, but he will not swear to it, but he thinks there was an implication among the litany of things that could be offered to reduce a tax increase or ameliorate a tax increase as a result of deannexation was to reduce the amount in the fund balance. He indicated obviously Standard and Poor's though there would be an implication to that. Not dealing with deannexation but in general.

Attorney Doyle referred to Page 240 stating Special Board Planner Wisner concluded that consenting to deannexation would do detriment to the Township and the school board. He further noted he suggested it would compound the difficulties giving the 2% cap and the other built-in increases. He then asked if Mr. Costello testify at all that this would happen. Special Board Planner Wisner stated that was a conclusion he drew. He stated whether Mr. Costello said specifically those words or not that was a conclusion he drew from his testimony. Attorney Doyle stated he reviewed Mr. Costello's testimony and the word cap (from the transcript) never appeared from the first night and he read the minutes of the second night. Special Board Planner Wisner stated his recollection was that there was a specific discussion concerning the cap and this is the conclusion he drew from that testimony.

Attorney Doyle stated going back on Page 16 of the October 24, 2014 minutes he read onto the record Mr. Ryan's discussion concerning caps. He asked Special Board Planner Wisner if he considered Mr. Ryan's testimony rather his recollection of what Mr. Costello may have said. Special Board Planner Wisner stated he considered the discussion related to the cap issues on both sides. Attorney Doyle stated but he waived it in favor of what you recall Mr. Costello saying. He indicated he synthesized both sides and he put in there what his thoughts was.

Attorney Doyle then referred to an email sent to Mr. Miller from Special Board Planner Wiser on Wednesday, January 20, 2016, 5:13 p.m., he then read onto the record the email concerning a spread sheet of the fund balance for the last ten (10) years. Noting he is a planner not a finance guy. Attorney Doyle asked how someone who is not a finance guy synthesizes municipal finances. Special Board Planner Wiser stated he synthesized what he heard. He indicated the board can take that for what is worth. He indicated if they find because he is a planner and not a municipal finance expert it has no merit. They can weigh accordingly.

Attorney Doyle stated Special Board Planner Wiser indicated in his final conclusions that it would cause serious injury to the school board the loss of 1.8 million dollar. He asked if it is not true that the board sustained a 3.480 million dollar reduction in the tax portion of its budget in 2010 after the budget was defeated by the people at the time. It could happen that way. Special Board Planner Wiser stated it could happen. Attorney Doyle stated he would like to rephrase. He indicated back then a defeated budget went to the governing body and as Mrs. Bechtel testified subsequently it does not. Special Board Planner Wiser stated correct. Attorney Doyle stated given the fact that the board was able to sustain a cut in the budget by the Township Committee on adopting resolution 218 of 2010 said that the money provided, despite the cut, would allow for the through and efficient education for the Egg Harbo Township schools.

Attorney Doyle his question is and he asked Mrs. Bechtel for the 13 years she had been here have they also been able to maintain the mission and she said yes in spite of the loss of 3.480 million dollars. He asked how then is a reduction of half that size significant injury. Special Board Planner Wiser stated Attorney Doyle's comment about sustaining their mission. He indicated it is not like the school board can close their doors. They did what they needed to do to get to the budget and cut whatever they needed to cut to get to that figure at that time. He indicated Mrs. Bechtel gave us a large exhibit that showed the various iterations of cuts that needed to be made at one particular point in time, however, he does not think it was the point Attorney Doyle is referencing, and how difficult it was and the impact of those cuts would be to the provision of services. He indicated he thinks it becomes harder and harder as times go on and has been 6 years since 2010 event and each year they have to cut and cut, despite the fact that the cost pressures are increasing on them and he thinks that is a serious situation and significant situation.

Attorney Doyle stated in giving that answer and he appreciates the passion in which it was given. He advised certainly education is a subject that needs passion. Attorney Doyle asked Special Board Planner Wiser if he brings his own experience into as a resident of Egg Harbor Township and the father of children in the district. Special Board Planner Wiser stated no. Attorney Doyle asked if he brings into his passion and his statement his knowledge derived from the organization that is a cooperative effort between the school board and citizens, as a non-profit, of which his wife was once the president of. Special Board Planner Wiser stated absolutely not and frankly he resents the implication. Attorney Doyle stated it is not an implication of anything that is unethical. But any of us, he has to live by, a conflict of interest that is separate for the law and Attorney Doyle noted he thought it was an appropriate question and he will move on.

Board Member Aponte stated he is not sure it is reflected in the minutes but asked if they recall the conversation he had with Mrs. Bechtel saying that when you get to the cap of 2% and if they do not get that cap then the next year, if they were at 1½%, they cannot make that up so they are always trying to go into that 2%. Special Board Planner Wiser stated yes and he believes there was an article in the Press over this last week to that effect what the impact, not just to Egg Harbor Township, but in general.

What the impact of the tax situation is or the cap situation on the schools. He indicated it may have had to do with Atlantic City but it supports the conversation Board Member Aponte noted. Board Member Aponte asked if Special Board Planner Wiser used this in his thinking or recommendation.

Special Board Planner Wiser stated he has been in and around government for a long time. He indicated he knows the difficulty in trying to reach a budget when you have a governing body or policy makers saying we are going to keep taxes flat or we are going to minimize the increase in taxes to the extent possible. He indicated he has been around people who have wrestled with the impact of the cap and what that means in an environment where cost are continually increasing and you do not have to be a finance person to understand that, all you have to do is read the newspapers.

Attorney Doyle stated Special Board Planner Wiser has mentioned reading the newspapers, general budgetary issues, mentioned other circumstances the effect of the Casino's. He stated these are all State wide issues or large regional issues, correct. He advised for instances the failure of Trenton to fund the school funding formula, Dr. Perniciaro commented the Casino's have an effect across the whole South Jersey region. Attorney Doyle stated these are regional issues and as regional issues impact all the municipalities. Special Board Planner Wiser stated it is compounded for Egg Harbor Township given the Pinelands designation as a regional growth area and thereby directing for decades now growth and for two (2) other Township's in the region. Attorney Doyle stated this goes back to the 1990's or 2000. Special Board Planner Wiser stated probably earlier. He stated he is guessing back to the mid 1980's but it has an accumulative effect.

Attorney Doyle stated Special Board Planner Wiser mentioned on Page 262 of his report under the negative impacts that Deannexation could potentially result in a reduction of Public Works, Police and Fire Service. He stated for Fire Service funding, leading to a reduction in equipment purchases and maintenance. Attorney Doyle noted the fire service budget last year was \$340,000.00. He indicated the testimony from Mr. Ryan and unrefuted by Mr. Costello was the effect on the overall budget of the Township that funds the fire budget was 1.3%. He indicated 1.3% of \$340,000.00 is \$4,500.00 and the municipal budget is approximately 37 million dollars. Attorney Doyle asked Special Board Planner Wiser if he actually believes that deannexation could potentially result in fire service funding being of \$4,500.00 that it would lead to a reduction in equipment purchases and maintenance. Special board Planner Wiser stated that is what the fire chief's testified too. Attorney Doyle asked if they gave what equipment or maintenance as little as \$4,500.00 would be at risk. Special Board Planner Wiser stated they spoke to turn out gear and maintenance. He advised he forgets exactly the equipment.

Attorney Doyle asked if there was an identification of the amount at the time they testified, does he recall. How much the loss would be. Special Board Planner Wiser stated no and he thinks the conversation ran as did all the other services that the Township could elect to fully fund or fully defund anyone of the services or something in between so there was no way to actually calculate that. Attorney Doyle stated the 1.3% or \$4,500.00 represents the maximum loss of the budget. He indicated that is if everything had to cut and none was made up in additional revenue or shifting. Special Board Planner Wiser stated whatever the number is. Freeholder Carman asked if the fire budget include major equipment such as fire trucks which would be under capital. Special Board Planner Wiser stated he does not recall testimony at that level of detail. Freeholder Carman asked if it could be over double in any given year. Special Board Planner Wiser stated he knows at one time the Township made capital funding for equipment every year, however, it went to every other year at some point. Freeholder Carman stated that does not answer his question. Special Board Planner Wiser indicated he does not know what was in testimony.

Attorney Doyle asked how did Dr. Perniciaro come to testify in this matter. Special Board Planner Wisner stated he spoke with Special Board Solicitor Marcolongo about any value in taking to him about the economic situation coming out of Atlantic City and what that might do or impact that might have on the Township that might further be impact one way or the other from deannexation. He advised we spoke to him and it was decided there would be value in that. Attorney Doyle asked Special Board Planner Wisner if he knew Dr. Perniciaro before and how did it come about. Special Board Planner Wisner stated yes, he advised Dr. Perniciaro was a consultant for the City of Pleasantville's Urban Enterprise Zone and Special Board Planner Wisner advised he had been the Planner for the Urban Enterprise Zone for a number of years.

Attorney Doyle asked what they expected Dr. Perniciaro would testify about the effect of the Casino Industries travails upon Egg Harbor Township that he would even reached out to him. Special Board Planner Wisner stated we had conversations here and conversations that Attorney Doyle did not agree with. That the condition of the Casino Industry, the loss of jobs. He indicated he believes it was at the time in 2014 when it was in the middle of the four (4) Casino's closing and would put a strain on the Township residents and would deannexation play a role in that or would that play a role in the impact of deannexation on the Township. He indicated it seemed liked the board would get some value speaking with an economist not just a finance person, but an economist who does these kind of things for a living.

Attorney Doyle asked if Special Board Planner Wisner expected him to suggest sure Casino's downfall is going to have an effect on the region. Special Board Planner Wisner stated he could have said, as Attorney Doyle suggested, that there is no impact at all or the spectrum of it being a cataclysmic effect. He advised the Board had engaged in the discussion and the call we asked them if it might be beneficial to have somebody like that suggest testify and when he spoke with Special Board Solicitor Marcolongo about it, he indicated there would be value in it so we explored it and it eventually happened. Special Board Solicitor Marcolongo stated he eventually made the decision to call him in.

Attorney Doyle stated he is looking at Dr. Perniciaro's report and the last third of the second page mentions an economic down turn, then he has conclusions, and he mentions times of uncertainty and change. He indicated this report speaks little of Casino's. He asked does it not speak to other things. Special Board Planner Wisner stated it speaks to what it speaks to. Attorney Doyle stated you went after him because of discussion here on the effect of the Casino Industry and job loss specifically to Egg Harbor Township and how deannexation could possibly compound that and he comes up with a report dealing with income numbers. He asked when did his report take a turn. Special Board Planner Wisner stated he does not know that it took a turn. He advised he did not tell Dr. Perniciaro what to report on. He did not tell him what to testify to. Dr. Perniciaro made his report. Special Board Planner Wisner stated to Attorney Doyle if he has a problem with the way Dr. Perniciaro prepared his report then he would suggest he cross examine him again.

Attorney Doyle asked Special Board Planner Wisner if in his line of work does he present census data. Special Board Planner Wisner stated when it is pertinent. Attorney Doyle asked Special Board Planner Wisner if in his belief is census data pertinent in this matter. Special Board Planner Wisner asked in deannexation as a whole or in Dr. Perniciaro's. Attorney Doyle stated in developing an impact report as Special Board Planner Wisner has. Special Board Planner Wisner stated yes, certain census data was relevant. Attorney Doyle stated Special Board Planner Wisner used census data and integrated with Dr. Perniciaro in some ways on Pages 108, 206-208, 234, 235, 242, 270-278 so it did play a part in your report did it not. Special Board Planner Wisner stated as it was relevant.

Attorney Doyle stated looking at the time you placed in you vouched for 18 hours of census data research back in 2014 so Special Board Planner Wiser must have felt it was relevant, no. Special Board Planner Wiser stated as it was relevant. Attorney Doyle asked from that 18 hours Special Board Planner Wiser is aware of the census data as it is in this part of Atlantic County is he not. Special Board Planner Wiser stated he has no idea what Attorney Doyle is asking. Attorney Doyle asked Special Board Planner Wiser if he is familiar with census data for block, block groups and census tracts. Special Board Planner Wiser stated in general. He stated if Attorney Doyle is asking him of specific numbers off the top of his head, no he does not. Attorney Doyle stated no and he purposely advised the page numbers so that Special Board Planner Wiser would have them as needed.

Attorney Doyle stated on Page 270 there is an exhibit listed as R-1 within the report, correct. Special Board Planner Wiser stated yes. Attorney Doyle advised he would like to place a board up that is a large reproduction of R-1. He stated he is not seeking to place it into evidence. Special Board Planner Wiser stated it appears to be the same underlying map but it is not a reproduction of his exhibit. Attorney Doyle noted the circle on Exhibit R-1 was identify their specific area. He asked Special Board Planner Wiser why he placed in R-1. Special Board Planner Wiser stated he has to find the footnote that provides the context of that. May the record reflect Special Board Planner Wiser reviewed his report and could not locate the footnote he then asked Attorney Doyle if he knew what Page Exhibit R-1 was discussed. Attorney Doyle stated no, he just knows the exhibit on Page 270.

Attorney Doyle stated he will move on. He indicated this is map is broad and it shows all of the tracts, block groups, and blocks within Atlantic County. Special Board Planner Wiser stated he does not think it goes down to the block level. He believes it goes down to the block groups. Attorney Doyle stated a block, not a city block, but sometimes that small is actually the smallest geographical area, correct. Special Board Planner Wiser stated when the census breaks down an area they have a census tract, it then goes down to a smaller level which is a group of blocks which is called a block group and then it goes down to block, which may or may not end up being a city block. He indicated they actually do have smaller units when you drill down the data, he thinks, but effectively it is a block.

Attorney Doyle stated to hone in on that Special Board Planner Wiser had R-1A, which shows according to your report Egg Harbor Township, Longport and Vicinity. Special Board Planner Wiser stated that is a blow up that is the circle. Board Member Aponte stated he would like to say one thing. Special Board Planner Wiser references 446 next to the R-1 and that it says 446 at the bottom. Special Board Planner Wiser stated the 446 up top is the footnote at the bottom and the source of this map. Attorney Doyle referred Special Board Planner Wiser to Page 108, footnote 154. He indicated 154 is to the table on the page and he notes exhibits R-1 and R-1A. He also indicated within this same footnote Exhibit R-2 is referenced, which is on Pages 272 – 278.

Attorney Doyle then asked everyone to refer back to Exhibit R-1A. Special Board Planner Wiser indicated it appears the circle had moved from where it had shown during the reproduction process but R-1A is the area of the circle, a littler larger then R-1. Attorney Doyle then requested Special Board Planner Wiser to move to the board and say where census tract 135 is. May the record reflect: Special Board Planner Wiser used a laser pointer noting census tract 135 is the uncolored area that generically appears to be running from the boundary line with Linwood and Somers Point to the Bay. Attorney Doyle stated he has no problem with Special Board Planner Wiser with a marking pen where 135 is.

Special Board Planner Wiser then marked, in green marker, the area referenced as 135. Special Board Solicitor Marcolongo stated the R-1A has 135 written on it. He asked if the document before him now contains this. Special Board Planner Wiser stated yes. He also added there is some different legends on this and he wanted to make sure he didn't exclude anything. Attorney Doyle asked as Special Board Planner Wiser described it census tract 135 is solely in Egg Harbor Township. Special Board Planner Wiser stated he believes so, yes.

Attorney Wiser asked if Special Board Planner Wiser is familiar with the data levels that are available within the census tract. Special Board Planner Wiser stated generally yes. Attorney Doyle asked is there is multiple census tract within a County. Special Board Planner Wiser stated the County is broken down into census tracks, each key to a municipality, and then we have the block groups and the blocks. Attorney Doyle stated the data available at the block level is limited so you sometimes have to go to the block group or the census tract to get more extensive demographic data but then that is for a larger area. Special Board Planner Wiser stated it is an imprecise science.

Attorney Doyle asked how many how many block groups are there within census tract 135. He indicated unless there is a question from the board to his knowledge and recollection these questions have never been asked before and they are pertinent to the conclusions in the report and to Dr. Perniciaro's testimony. He indicated he would remind the Board that Dr. Perniciaro's report, albeit only four (4) pages, received the night before and cross examined as much as we could. He stated in Special Board Planner Wiser's report there is some reliance upon that report (Dr. Perniciaro) and his conclusions about socioeconomic loss and injury so it is a relatively important and new area.

Special Board Planner Wiser asked everyone to refer to Page 272 there is a break out of census tract 135 and he has three (3) block groups in there. He indicated whether there is more or not in areas perhaps not pertinent to the geographic are we are discussing he does not recall. Attorney Doyle asked when you say the geographic area we are discussion. He means Egg Harbor Township. Special Board Planner Wiser stated no what he means is any portion of Egg Harbor Township that may not be. He then stated no, they would be in there so he is going to say three (3) without having the computer in front of him to look at he is going to say three (3). Attorney Doyle asked is that because the computer is not here. Special Board Planner Wiser stated the computer is with him but it requires internet access and then getting to the census website. Special Board Solicitor Marcolongo asked for his own edification what are the three (3) block groups. Special Board Planner Wiser explained if you review the first item (Page 272) it says Block 1000, Block Group 1, Census Tract 135 and if you keep going along it says Block Group 2 and further it changes to Block Group 3.

Board Member Aponte stated he counted 44 Block 1's. He asked what does this mean. Attorney Doyle explained, asking Special Board Planner Wiser to correct him if he is wrong, you have one census tract 135 and within this there are three (3) block groups and within each of those block groups you have multiple blocks. Board Member Aponte stated that is what he counted the multiple blocks. Special Board Planner Wiser stated somewhere in his report it would break out where these various blocks are, but he cannot find it. Attorney Doyle asked suffices to say when Special Board Planner Wiser when he list these, as counted, 44 that go from Page 272 through 277 they are all within Egg Harbor Township. Special Board Planner Wiser stated yes.

Special Board Planner Wiser then asked everyone to proceed to Page 278 of his report. He indicated this shows all of the census tracts that make up Egg Harbor Township. He indicated there are eight (8) and if you look at the data provided for 135, which is the pages beforehand that is all the various data

for 135. He indicated he was able to extract block 1065 from block group 1 census tract 135 and this was Seaview Harbor. He indicated he did not map or lay out where all the various other blocks groups or blocks were. He indicated they are all within that green marking (pen) and they all accumulatively add up to the numbers that are presented. Special Board Solicitor Marcolongo asked if he could have the area specific for Seaview Harbor. Special Board Planner Wiser stated Seaview Harbor (shown) on the bottom of Page 277, it is census tract 135, block 1065, block group 1. Board Member Aponte stated he counted 44 blocks within group 1 but it should be amended to 45 because he did not add the one noted for Seaview Harbor. Special Board Planner Wiser stated this would be correct.

Special Board Solicitor Marcolongo asked if Pages 272 – 277 is the median ages. Special Board Planner Wiser stated yes. Attorney Doyle stated to be clear ultimately Special Board Planner Wiser used this census data, as did Dr. Perniciaro, to conclude the loss of Seaview Harbor would do injury to Egg Harbor Township because it was a unique and wealthiest income group and greater educational attainment, etc... he asked was this not the thrust of Dr. Perniciaro's report and Special Board Planner Wiser's conclusions based upon his report. Special Board Planner Wiser stated his recollection is that there were some instances where there was not a material difference between Seaview Harbor and the Township. He indicated data showed that socioeconomic, demographic data, and there were some areas where there was differences. He advised he thinks we pointed this out.

Attorney Doyle stated as detailed as it is and difficult as it might be it has relevance to your ultimate conclusions and findings as well as Dr. Perniciaro's. Special Board Planner Wiser stated as well as Tiffany Cuvillo's. Attorney Doyle stated yes. Attorney Doyle stated on Page 108 of Special Board Planner Wiser's report draw the conclusion that Seaview Harbor residents are older and more affluent than their Township counterparts. He asked how Special Board Planner Wiser concluded that. Special Board Planner Wiser stated he took the data from Seaview Harbor census block, which was just discussed and compared it to the balance of the Township.

Attorney Doyle stated that might do well for age and age is in the blocks but household income is not in the individual he blocks. Attorney Doyle asked Special Board Planner Wiser how did he deduce from the statistics that Seaview Harbor is more affluent. Special Board Planner Wiser referred to Page 278 advising there is data for the various census tracts that comprised Egg Harbor Township and we pulled the number from there. Attorney Doyle stated in pulling the number from there what number did you use for Seaview Harbor estimated median income. Special Board Planner Wiser stated we used \$84,671.00 although it was footnoted the census data is not available for this category at the block group level so they used the entire census tract of 135. He indicated this is footnote 151. Attorney Doyle stated ok, on Page 108 of report.

Attorney Doyle asked what other parts Egg Harbor Township are in census tract 135 block group 1 besides Seaview Harbor, if any. Special Board Planner Wiser stated Anchorage Poynte, which he thinks is the only other appreciative community/neighborhood. He further noted there are the houseboats on the Margate Causeway at the marina, however, given their condition he does not believe it will impact the data. Attorney Doyle stated to be clear this income data used to say Seaview Harbor is more affluent is really only of permanent residence. Special Board Planner Wiser stated it would be the data the census has. Attorney Doyle stated Special Board Planner Wiser is the person who took 18 hours on census data and he is using it and so he is asking the question. Is it not true they have statistics about, they don't use the term vacant or seasonal, but take the census as of a particular date (April 1st) and if you are not living there then you don't show up in the census and your income does not show up in the

census it shows up where you live the rest of the year. Special Board Planner Wiser stated he believes so.

Attorney Doyle stated so the data on Page 278 is solely Egg Harbor Township and he can identify which parts of Egg Harbor Township are from 117.01 down the line. Special Board Planner Wiser stated to the extent he was able to extrapolate the data. Attorney Doyle stated on Page 278 Special Board Planner Wiser uses a term he is not familiar with median of medians. Special Board Planner Wiser stated you have the eight (8) columns each representing a median value and he took the median of those medians. Attorney Doyle asked if there is a different between a median and an average. Special Board Planner Wiser stated a median is a type of average. He indicated there is an arithmetic average and there is a median average which is the center most. Attorney Doyle so the average is that you added them all up you divided by the number of items you added up in that column and it came to 100 and you had 10 items then the average was 10. Special Board Planner Wiser stated yes. Attorney Doyle stated you have a median average and five (5) of them from 1 to 60 and five (5) above 60 then the median would not be 10 it would be the midway point as Special Board Planner Wiser took it. Special Board Planner Wiser stated the centerline.

Attorney Doyle stated he is not familiar with the statistic of median of median but must ask that block 118.05 has 805 households and 118.02 has over 5,000 households. He stated he wonders of the median of median has any statistical accuracy when it does not take into account how many units in it. Special Board Planner Wiser stated the standard the census uses is median income. He indicated he used median income and he needed to get a total and it did not seem to him an arithmetic average would be appropriate so he took a median of all the median's that were provided. Attorney Doyle asked why would it not seem appropriate. Special Board Planner Wiser stated because all he would be doing would be taking those numbers adding them up and divide by eight (8) and to him it did not make any sense. Attorney Doyle stated when he looks at it he sees the (4) highest in Egg Harbor Township, which he then placed those amounts on the record along with the lowest, stating he remembers Township Committeewoman Pfrommer question about trying to give a universal number that takes in West Atlantic City and the English Creek areas and everything in between.

Attorney Doyle stated the four (4) highest add up to 9,364 household, which is well more than half the total households. He indicated in reality should not the average for all the 17,000 households be higher than the median of medians. Special Board Planner Wiser stated this is the way he laid this out. He indicated the census tract uses medians he used medians. He advised the census tract does not use mathematical averages so he used medians. He noted he had to extrapolate from data that is not fully complete because the census does not provide it the way we needed it or the way he thought would be needed in terms of the report. The way he wanted to present it so this is the way he did it. He advised we can play games trying to decide how to do statistics with any different ways. That is how he did it. Attorney Doyle so what Special Board Planner Wiser did and he did it to just to verify. Special Board Planner Wiser took the 4th number, which was the \$77,583.00 and he took the 5th number, that is the two (2) most middle, \$64,167.00 number and he added them together got \$141,650.00 and divided them by two (2), which comes out to \$70,875.00. Special Board Planner Wiser stated no, but it well may be. He indicated he took the excel spread sheet told excel to find the median of these columns and that is what it did. Attorney Doyle ask Special Board Planner Wiser he did not give way to larger neighborhoods versus smaller. Special Board Planner Wiser stated no.

Board Member Eykyn advised he would like to ask a question the 1,105 in census tract 135. He indicated he remembers when he had his thing we questioned him about that was not part of 135 in

Longport. Special Board Planner Wisner stated that is a very good question. Board Member Eykyn stated the reason he is asking is because if there are 90 in Seaview Harbor then there would be over a 1,000 in Anchorage Poynte. Special Board Planner Wisner stated that is the number that came up from the census. He indicated he does not disagree the household numbers for the green marked area is a little off. Board Member Eykyn stated when they brought the map up there were streets included in Longport in that 135 because we were questioning the 84,000. Special Board Planner Wisner stated he does not think it does. He stated when you do a search on the map on some of these web sites the more you zoom in or pan around the labels end up being in different places. He indicated he went to the census web site and asked for the data not keying in on using the map but using the tables. He indicated when you use these different services the label designations do not accurately reflect the areas that they are supposed to be calling out. Board Member Eykyn asked Special Board Planner Wisner if he would agree that in that area noted there is no way there is 1,100 households. Special Board Planner Wisner stated he finds that hard to believe.

Board Member Eykyn stated then they must be Longport, Margate, Somers Point, or Linwood. Special Board Planner Wisner or it is errors in the way the data was collected. He indicated he does not believe it reflects anything outside the green area marked because Longport has its own designation. Board Member Eykyn stated if it is inside that green area then you cannot divide the income into the 1,100 number. Special Board Planner Wisner stated this is the data he got from the census it may not be an imperfect science but the way it is presented to the public imperfect and difficult to use. He indicated we all do the best we can do.

Attorney Doyle asked the testimony of Dr. Perniciaro was consistent with his tract 135 block group 1 was solely in Egg Harbor Township and in Egg Harbor Township it consisted of Seaview Harbor and Anchorage Poynte and that is what he (Dr. Perniciaro) reflected on his Page 4 (report). Special Board Planner Wisner stated he thinks that what he attempted reflect and he knows there was some disagreement about that. Attorney Doyle stated Special Board Planner Wisner knew there was question about it, as Mr. Eykyn said, there was a question about the accuracy of Dr. Perniciaro's report regarding the census data. Special Board Planner Wisner stated he thinks there was a question about the accuracy of a different exhibit that was at odds with Dr. Perniciaro's report, which is why he did an analysis on his own.

Attorney Doyle asked when he means analysis going to the census maps and looking at the data. Special Board Planner Wisner stated yes. Attorney Doyle asked was the exhibit that caused pause in the question and referred to by the Board Member S138. Special Board Planner Wisner stated he does not recall. He remembers having dueling maps at the time. Attorney Doyle asked for preparation of his report did Special Board Planner Wisner reexamine the specifically the exhibits S137, Dr. Perniciaro's report and S138 to get it right. Special Board Planner Wisner stated his data is his data. He advised he did not try to fudge his data to get something right to conform with someone else's analysis. He noted he looked at the other maps that were subject of controversy and he had in his mind what he thought happened and he went to the source and it sort of confirmed that.

Attorney Doyle asked what happened. Special Board Planner Wisner as he said before on one of the maps that lead someone to believe census tract 135 included Longport was the zooming and panning and misplacement of call outs, labels as he just describe to Mr. Eykyn. Board Member Rosenberg asked the small triangular piece that is roughly located where West Atlantic City is that also part of census tract 135. Special Board Planner Wisner stated it is West Atlantic City. He indicated he is looking at R-1 and R-2 does not have it on it. He indicated R-1 does not appear to be labeled. He indicated he believes

it is because he did do the analysis on Page 278 is for all of Egg Harbor Township census tracts. Special Board Planner Wiser stated he takes that back it is its own census tract. It is one of the seven (7) other than 135 labeled on Page 27 is his recollection. Board Member Rosenberg asked if it is census tract 120. Special Board Planner Wiser he indicated in the green just above Pleasantville, which is 121, but he is not sure. He advised he could find this out. He believes it is included in one of the various labels on Page 278. Board Member Rosenberg stated would that get us closer to the 1,100. Special Board Planner Wiser stated it does bring us closer. Board Member Rosenberg stated never mind he cannot prove it one way or the other. Special Board Planner Wiser stated he does not have an answer.

Attorney Doyle stated he would like to read from the minutes of September 30, 2015 concerning the question Board Member Eykyn brought up concerning 135 block group 1 had a part of Longport in it or not and Special Board Planner Wiser stated no it does not and he examined it and Dr. Perniciaro was of the same. So he would like to go back to what raised the question via the minutes. Attorney Doyle then read from Page 21 and Page 22 and a section of Page 30 of the September 30 2015 minutes onto the record.

Attorney Doyle after reading this information into the record asked Special Board Planner Wiser if he would agree with Dr. Perniciaro that if Longport was a 135 group 1 it would make a difference than if it were just Seaview Harbor and Anchorage Poynte. Special Board Planner Wiser stated yes, but it is not. Special Board Planner Wiser stated for the board's continued edification, he is looking at Page 271, what the Board cannot see on the board but can on Page 271. Egg Harbor Township has a code of 20290 and all the various census tract numbers and block group numbers key off of that on the census. He stated if you look at the arrow, at the upper right that is pointing to West Atlantic City it also says Egg Harbor Township 20290. He indicated if you look at Longport is says Longport 41370. He stated Longport is its own coding and census tract 135 is not part of Longport.

Attorney Doyle handed the Board a blown up version of Exhibit S138 and he asked Special Board Solicitor Marcolongo to compare to the original Exhibit. Special Board Solicitor Marcolongo stated he sure looks like it. Attorney Doyle stated Atlantic County has put out town by town a definition by map of what census tract and block group are within the Atlantic County municipalities. He showed the Board the one for Longport. He then asked Special Board Planner Wiser that does not this map identify the southern end of Longport from 22nd down as being in census tract 135, block group 1. Special Board Planner Wiser stated that is what this map appears to show and it is wrong. Attorney Doyle asked this map is wrong. Special Board Planner Wiser stated he believes this map is wrong. He indicated unless Longport, by coincidence Longport also has a census tract 135 but it is not the same as 135 for Egg Harbor Township.

Attorney Doyle asked if Special Board Planner Wiser is suggesting there are two (2) different 135's. Special Board Planner Wiser stated there are probably a 100,000, 135 in the Country. Attorney Doyle asked if there are two (2) different in Atlantic County. Special Board Planner Wiser stated there maybe. Board Member Rosenberg referred to the small print on the map. Special Board Solicitor Marcolongo asked him to read onto the record the small print for which he speaks of. Board Member Rosenberg did so the information provided in the small print consisted of the map being for demonstration purposes and what provided the information to create the map.

Attorney Doyle asked Special Board Planner Wiser that he is satisfied his R-1 found on Page 270 of his report is accurate. Special Board Planner Wiser stated he is satisfied this is the map that the US Census Bureau provides on their web site to the extent that you go to the source and that is as close to the

source as we can get. Attorney Doyle stated and that is as close to the source that you can get. Special Board Planner Wiser stated pointing to R-1, Page 270 which is a screen capture of the 2010 census tract reference map for Atlantic County, New Jersey.

Board Member Aponte stated he is confused between going back and forth with maps. Special Board Planner Wiser asked the Board to go to Page 270 of his report. He indicated you go to the census website and the reference is at the bottom via footnote 446 and you tell the web site you want census tract for Atlantic County, New Jersey and that is what you receive and in the small boxes to the lower right it gives you four (4) different tiles that make the map and this is the lower south eastern title. Attorney Doyle stated he noticed in that and the point is well made but let's just stay with the one (1) map that you agree is correct and we enlarged. He indicated in the upper right of that map there is items that are impossible to read, which is the legend and it identifies what the lines mean. Special Board Planner Wiser stated this is correct. Attorney Doyle stated on the enlarged it is legible. He indicated it says census tract and a large red line that gives us an example 3307, which seems to replicate the census tract number. He advised he then noticed another line that talks of consolidated city, which he believes is the municipal boundary line.

Attorney Doyle then asked Special Board Planner Wiser to step back from the map and check out the census tract, which is the red line and follow the red line for census tract 135. Board Member Aponte asked if Special Board Planner Wiser could blow this up on what he has. He indicated he wants to stay consistent to one map. May the record reflect: the Board briefly took a break to allow Special Board Planner Wiser to review the mapping he has.

Attorney Doyle noted the board took a short break to allow Special Board Planner Wiser an opportunity to review the mapping, but it could not resolve the issue. Special Board Planner Wiser advised the screen capture that he has is as muddy as the prints. Attorney Doyle then asked Special Board Planner Wiser to, with a different color pen, follow the red line for census tract 135. Special Board Solicitor Marcolongo marked as Exhibit S154 (blown-up version of map found in Special Board Planner Wiser report on Page 270). Attorney Doyle asked if there is a legend on the map and this is a real census map not a screen shot or something. Special Board Planner Wiser stated correct. Attorney Doyle stated the legend shows what the census tract boundary is by a red line. He then asked Special Board Planner Wiser to follow the red line. May the record reflect: Special Board Planner Wiser began tracing. Attorney Doyle asked why Special Board Planner Wiser is pausing as he is making a line through Linwood indicating he originally drew Linwood as being in 135.

Special Board Planner Wiser noted he paused because what he thought was a red line are really highways. Attorney Doyle stated he does not see anything in the legend that says highways. Special Board Planner Wiser stated he will continue along. He indicated this is not the same color red as in the legend. He indicated the lines he is trying to discern are not the same color as the red census tract designation in legend. Special Board Solicitor Marcolongo asked Special Board Planner Wiser what exactly Attorney Doyle has asked him to trace. Special Board Planner Wiser explained Attorney Doyle has asked him to trace what could appear to be a line indicating the boundary for a census tract 135. Special Board Solicitor Marcolongo stated he believed he traced that the first time in green. Special Board Planner Wiser stated so did he.

Attorney Doyle stated he asked the first time to be fair identify 135 as he understood it to be and he did that. Attorney Doyle stated he did not make reference to the legend nor the legend that says the boundary for the census tract is a red line. So this time he said just follow the red line and in doing that

would Special Board Planner Wisner agree that he has included parts of Longport and Linwood. Special Board Planner Wisner stated the way this map is laid out that is what it appears to show. Attorney Doyle asked would it be fair, to ensure the Board gets the right answer, which was raised by Board Member's Eykyn and Aponte to look at the U.S. Census Maps for the municipalities of Longport and Linwood.

Special Board Planner Wisner asked Attorney Doyle what the questions was. Attorney Doyle asked would it not help resolving this by looking at the U.S. Census Maps for the municipalities of Longport and Linwood to see how they are identified. Special Board Planner Wisner stated this may or may not resolve it. He indicated there are two (2) ways to obtain data on the census website. He indicated one is geographically by looking at a map clicking on the various different census tract or block groups the other is to plug in and say give me everything for Egg Harbor Township or a particular geographic designation. He indicated it could be a County, Township, neighborhood depending how the data is presented and this is what he did. So the information laid out in his report. The statistics are based on asking it for Egg Harbor Township. He stated it appears that there is a conflict between the way the map is drawn and the data is presented as part of the census website.

Attorney Doyle stated Special Board Planner Wisner said you can go to the website and draw up the maps one way or another. He asked if there is any written definition that says go up 22nd Street, turn left, and go down Route 152. Special Board Planner Wisner stated not to his knowledge. He indicated he has never seen a metes and bounds or written definition. Attorney Doyle stated so why Dr. Perniciaro spoke on Page 21 (minutes 9/30/15) that "not according to the written definitions" we would have to go back and review this when he refers to written definition he was referring to something that does not exist. Special Board Planner Wisner stated he does not know what he was referring to. Attorney Doyle stated when asked he stated they do not exist. Special Board Planner Wisner stated he said he was not familiar with one. He indicated he does not know what Dr. Perniciaro was referring to.

Attorney Doyle stated since the question was asked by board members and Special Board Planner Wisner raised a doubt. He asked Special Board Planner Wisner if he has spoken with Dr. Perniciaro since September 30, 2015, to help resolve this. Special Board Planner Wisner stated he tried to contact him a couple times and were never able to hook up. Attorney Doyle stated there are U.S. Census maps that may be called out from municipality to municipality are there not. Special Board Planner Wisner stated there used to be. He indicated part of the problem is that the census bureau has changed their whole system. They have gone to a web base system and here you see the results of that.

Attorney Doyle stated he would like to show Special Board Planner Wisner and the board a reiteration of Longport, such a census map, he indicated this map is not in the record. He stated it is larger and it contains a legend and it does not contain the qualifying words Board Member Rosenberg read from the other. Special Board Solicitor Marcolongo asked where did it come from. Attorney Doyle stated it is the U.S. 2010 Census – Census Block Map: Longport Borough, New Jersey and it identifies Longport as block 135 and shows the dividing line between 135 and when you look at the four (4) digit block numbers you see all of them start with either a 1, 2, or 3, which identifies what block group they are in. So it identifies 135 and if you look at the map all of the individual blocks up to South 22nd Street have four (4) digits starting with the "1" signifying they are in 135 block group 1 and the rest of Longport is in 135, block group 2. He indicated with this being said. Does this map not resolve the issue that part of 135 census tract, block group 1 is in Longport.

Special Board Planner Wisner stated frankly it confuses the issue more in his mind. Attorney Doyle asked does it say it is in 135, 1. Special Board Planner Wisner stated it does not say census tract, but leaving

that aside. Attorney Doyle stated the legend suggest how it is shown in bold red print. Special Board Planner Wiser stated there is also there is also Longport and a different municipal identifiers here. Attorney Doyle asked different then what. Special Board Planner Wiser different that Egg Harbor Township. Attorney Doyle stated because it is a different town. Special Board Planner Wiser indicated that is what he is saying. He stated for him frankly, he can understand why you would say it clarifies the issue, for him. Attorney Doyle stated he can understand why Special Board Planner Wiser wants to confuse the issue. May the record reflect: after some brief disagreement between Attorney Doyle and Special Board Planner Wiser. Special Board Solicitor Marcolongo interject and advised Special Board Planner Wiser to finish what he was saying. Special Board Planner Wiser stated from his perspective looking at the Longport piece with the labels and what he had before about the Egg Harbor Township piece with those labels frankly it just makes him more confused as to how this census map is supposed to work.

Attorney Doyle stated to whatever degree this may help. When Special Board Planner Wiser drew the red line on S154 without question he included a part of Longport in it and a part of Linwood in it, did he not. Special Board Planner Wiser stated yes. Attorney Doyle then referred to the Linwood census map. He indicated it is entitled 2010 Census – Census Block Map: Linwood City, New Jersey. He asked Special Board Planner Wiser if it identifies a portion of Linwood in census tract 135. Special Board Planner Wiser stated yes (he reviewed the map). Chairman Garth stated what is the number for Skulls Bay. He advised there is no one living on Skulls Bay. Attorney Doyle stated there are blocks with respect to the area in Egg Harbor Township that have block numbers but not people.

Attorney Doyle asked Special Board Planner Wiser is not the area shown in census tract 135 on this map coincidentally the portion of Linwood that was in 135 as you traced the red line on S154. Special Board Planner Wiser stated yes. Attorney Doyle asked was not the portion of Longport shown on the Longport census tract map coincidentally where Special Board Planner Wiser drew the red line on S154 to show a part of Longport was in it. Special Board Planner Wiser stated yes.

Special Board Planner Wiser indicated there may be an easier way to do this. Attorney Doyle noted he was satisfied. Special Board Planner Wiser indicated he may be but the board may not be. He then asked to review S154 again. Attorney Doyle indicated on S154 Special Board Planner Wiser traced something that looks like bubbles. Special Board Planner Wiser stated yes, in green during the first time when he did the tracing. Attorney Doyle stated when you look at the legend the bubbles is actually the municipal boundaries. Special Board Planner Wiser advised he does not know. He is too far away from the exhibit, but he will accept what Attorney Doyle stated.

Attorney Doyle advised Special Board Planner Wiser started with a fixed understanding tonight that census tract 135, block group 1 was exclusively in Egg Harbor Township did he not. Special Board Planner Wiser stated the data pulled up from the census bureau when he searched for Egg Harbor Township is what he used. Special Board Solicitor Marcolongo asked Special Board Planner Wiser that he went by line item rather than by maps. It would have come in up in graph form. Special Board Planner Wiser stated effectively yes. He indicated the interface asked you state, obviously you place in New Jersey, than it will ask you for a County and then a Political Subdivision. He advised he put into Egg Harbor Township and this is what came up. He indicated the numbers as they pop up or what got labeled here. He indicated the search was for Egg Harbor Township. Special Board Solicitor Marcolongo asked was not Special Board Planner Wiser searching down to block 1065, block group 1, census tract 135 which would be very specific to just Seaview Harbor. Special Board Planner Wiser stated yes.

Special Board Solicitor Marcolongo stated he is trying to figure out and he went to Page 277, when he was doing his investigation he went down to the specific block 1065, block group 1, census tract 135 and that is how Special Board Planner Wiser evaluated. Special Board Planner Wiser stated yes, forgetting the maps. He indicated frankly the only reason he included the map was because what he thought he was doing was solve the confusion between, whomever had the County map, and Dr. Perniciaro's map. He indicated the data is what is important and on the web site he called up data for Egg Harbor Township.

Attorney Doyle stated he does not know if this would be any help but if he took the Linwood City map and he looked at 135 and compared it to Special Board Planner Wiser's report Pages 272 – 277 he would find where we start with 135 and whose beginning number starts with a 3, which is $\frac{3}{4}$ of the way down way down on page 276, block 3000 and then continuing to 277. He advised when he reviews map he sees all of those blocks located in Linwood. Attorney Doyle stated if he did the same thing with Special Board Planner Wiser's chart on Pages 272 -278 he would find looking at the Longport map that blocks shown on the chart are in Longport.

Attorney Doyle asked does this not tell us census tract 135 does in fact include parts of Longport and parts of Linwood. Special Board Planner Wiser stated frankly it tells us. It provides him with more confusion. He indicated he understands what Attorney Doyle is saying and understands why he is saying it and understands how he drew that conclusion. Attorney Doyle stated and Special Board Planner Wiser cannot provide any facts that suggest the conclusion is wrong. Special Board Planner Wiser stated he cannot do that. He is absolutely right. He stated he can tell him it is not the search he had conducted when he wrote the report. Attorney Doyle stated Special Board Planner Wiser mentioned Ms. CuvIELLO and when she testified she placed into evidence S71. He asked if Special Board Planner Wiser took a look at that at time or since, or in preparation of his report.

Chairman Garth stated it was noted Egg Harbor Township's census identification was 20290 municipal number is this what he understood. Special Board Planner Wiser stated yes. Chairman Garth stated if you look on Page 271 it says Longport 41370 and it is all in the pink shaded area. He stated Attorney Doyle is saying part of Longport is in 135, but he does not know. He indicated he is confused. Attorney Doyle stated to Chairman Garth understand that is a map to show in colors different municipalities. He indicated what is critical is the red line which explained from the legend and as Special Board Planner Wiser made clear as he followed the red line for 135 it included parts of Longport and Linwood. He indicated what he thinks is being attempted, not by him, is to fit a square peg in a round hole under a predetermined conclusion.

Special Board Planner Wiser stated he objects this. Attorney Doyle interjected that he is not speaking to Special Board Planner Wiser. Attorney Doyle stated the start of this was one was from Dr. Perniciaro who said there must be a mistake and he must go back and look at the written definition and we never heard from Dr. Perniciaro again. He stated we did hear there is no such thing, at least in Special Board Planner Wiser mind and he cannot read Dr. Perniciaro's mind, Attorney Doyle noted he understands this, as a written definition. He indicated he just asked Special Board Planner Wiser to look at another map (S71) and he understands it is broader and larger map but it does come from the U.S. Census Bureau, it was put into evidence, placed on the record and he would ask does that not show 135's boundaries are consistent with the very boundary he drew on S154 with the red line. Special Board Planner Wiser stated it appears to.

Board Member Aponte asked stated if you go to Page 271. Attorney Doyle stated he does not want to assume the question, however, he we ask we not draw from Page 271. Board Member Aponte stated if you go to the top of the page 271 he asked if you followed the red line it would be all of Longport and Linwood. Attorney Doyle explained what you would do as Special Board Planner Wiser had in S154 and then demonstrated for Board Member Aponte. He also clarified for the record and for Board Member Aponte what he called “bubbles” according to the legend is municipal boundaries. He further noted the red line in Linwood clearly goes west of the municipal boundary between Linwood and Egg Harbor Township so Linwood is part of census tract 135.

May the record reflect various comments were exchanged by the Board Members concerning confusion with respect to issue. Attorney Doyle stated he knows it is trying and he appreciates that there are opinions and conclusions. But two (2) things still out conclusions in Dr. Perniciaro’s report and Special Board Planner Wiser’s report is dependent upon the accuracy as where is 135 and does it include more than Egg Harbor Township. He stated Dr. Perniciaro acknowledge it would skew his numbers so it is important to find out the answer as we can. He stated the sources of the answers are the maps and to some degree the testimony. He then read from the September 22, 2014 minutes, which are unnumbered but it is the 3rd page from the end. This section of the minutes discussed his tracing of census tract 135 with the information at the time. He then asked what Special Board Planner Wiser has learned from September 22, 2014, that included Longport that now it does not. Special Board Planner Wiser asked Attorney Doyle to read again. Special Board Planner Wiser stated this does not sound like him and he does not remember saying this. Attorney Doyle asked Special Board Planner Wiser if he recalls what he said on September 22, 2014, as well as the minutes do. Special Board Planner Wiser stated no, but would not know how he would have had the opportunity to discuss the census tracts in that level of detail during Ms. Cuvillo’s testimony.

Board Member Aponte asked what a minor civil division mean. Special Board Planner Wiser came to where Board Member Aponte was sitting and reviewed what he was addressing. Special Board Planner Wiser stated he does not know it really has anything to do with New Jersey. Special Board Planner Wiser stated the squares on the legend are the County, the circles are consolidated cities. Attorney Doyle stated May the record reflect: that neither the audience, Special Board Solicitor Marcolongo nor himself can see the map that is being discussed. Board Member Aponte asked Attorney Doyle to proceed to the dais with the Board and Special Board Planner Wiser.

Special Board Planner Wiser stated running down the legend again. The square boxes are the County, the pentagon’s appear to be the municipal boundary because below that you have circles, which we do not have here, which says consolidated cities. He stated one would think they are consolidated cities but they are not coded that way. Board Member Aponte asked why by demonstrating to Attorney Doyle this is municipal boundary and why are we saying this is a municipal boundary. Attorney Doyle stated we are not saying the red line Board Member Aponte pointed out inlandward is a municipal boundary that is the red line we believe makes that part of Linwood the census tract 135 line from the legend and is duplicated on S154 that Special Board Planner Wiser followed the red line and included that part of Linwood in census tract 135 and it is triplicated by the separate Linwood municipal map that shows the same exact thing.

Attorney Doyle stated he would like to place into evidence these separate maps of Linwood and Longport. Board Member Aponte stated he agrees. Special Board Solicitor Marcolongo stated Exhibit S155 is the Linwood Census Map and S156 is the Longport Census Map both from the year 2010. Board

Member Aponte asked why and then asked Attorney Doyle to follow him on the map. Attorney Doyle suggested Board Member Aponte look at the Linwood Map (S155) now into evidence in combination. Board Member Eykyn stated he agrees because the numbers of households shown in the white square note 1,100 household. Attorney Doyle stated that is the last point of verification. He stated they have shown on the maps, we have had Special Board Planner Wiser draw the red line, we have the two (2) municipal maps.

Board Member Aponte stated so the colors and the dot's (bubbles) only mean municipal boundaries. Board Member Rosenberg stated he doubts the census bureau cares about municipal boundaries. Attorney Doyle referred to Page 108 and to compare with Page 278. He asked Special Board Planner Wiser from his testimony that census tract 135 defined on Page 108 is the same census tract 135 referred to on Page 278 and both 135's are the same area which is to say exclusively in Egg Harbor Township including Seaview Harbor, Anchorage Poynte and some uninhabited marshland areas and nothing else in or out of Egg Harbor Township. He asked if this was correct. Special Board Planner Wiser stated that was the intent. Attorney Doyle stated if he reads Page 278 that same area that Special Board Planner Wiser has defined has 1,105 homes with an estimated median income of \$84,671.00. Special Board Planner Wiser stated yes. Attorney Doyle stated if he uses that information and transpose that information to Page 108 what you're saying is those 1,105 houses have a total population of 170 people. Special Board Planner Wiser that is what would appear. Attorney Doyle asked if that makes sense to him. Special Board Planner Wiser stated what he was going to say before was he will stipulate the data in here that relates to the census is apparently not accurate. So let us move on.

Chairman Garth asked if that 1,105 households or population. Special Board Planner Wiser stated they are households generically families. Attorney Doyle appreciate the stipulation that it is fact based not just time based because to the degree that you think there is an error would Special Board Planner Wiser now believe that error in the sense that portions of census tract 135 shown on the individual municipal maps put into evidence as S155 and S156 of Longport and Linwood are in fact portions of 135 block group 1. Special Board Planner Wiser he stated that is one answer, right now, going back and forth and looking at all of this he does not have any confidence in this data at all as it was developed so he does not want to say one way or the other. He asked to just move on.

Attorney Doyle stated having no confidence in the data and going back to Dr. Perniciaro's report that relied on that data to come to the conclusions he did. Would it be fair to say, not having heard back in a couple of calls to Dr. Perniciaro to straighten this out, is it not fair say that we cannot have confidence in his report either. Special Board Planner Wiser stated he believes it is fair to say it raises a question of that aspect of his report. Attorney Doyle stated that being the case while he notes it has been admitted into evidence he would ask the Board that it be withdrawn from evidence.

Board Member Kearns asked if you run statistically and ask for tract 135 in Egg Harbor Township. Special Board Planner Wiser stated that is what he thought he had done. Board Member Kearns asked for all 135's in Longport and Linwood would they be different. Could you add all of them up and have a different number then the one Special Board Planner Wiser had. Special Board Planner Wiser stated that is a very good question but he does not have an answer to that. Board Member Kearns stated there would have to be more than one (1) 135. Special Board Planner Wiser stated if Attorney Doyle is correct and looked at the individual blocks as laid out and found them in Longport than frankly he has no confidence in the census bureau's interface that what we are looking for is what they are giving us and that is at the end of the day that is all they have to work with. Board Member Kearns stated he was

thinking, possibly and he does not know, there is a 135 in Longport and there is a 135 in Egg Harbor Township and they are different.

Attorney Doyle stated the first half of that we believe is right. There is a 135 in all three (3) towns and it is the same 135 and they are not different. He indicated if you take Pages 272 – 277 and as Special Board Planner Wiser just acknowledge and rightly so. We could identify on the two (2) municipal maps the blocks and could match them with this chart and you could see out of this chart the overwhelming number of them are in. He advised the only ones in Egg Harbor Township, he believes are, block 1065, block 1066 and block 1067 and why Special Board Planner Wiser right showed at the bottom of Page 277 block 1065 is because it was the only one that had people in it. He advised block 1066 and block 1067 are the water.

Special Board Planner Wiser asked if Attorney Doyle found the answer as to what the income is for block 1065. Attorney Doyle stated no. Special Board Planner Wiser or the age. He stated all the various. Attorney Doyle stated he is neither sworn or the witness. That said, he would say to the board that if the Board were to ask that question we would go back and he would point out that if it includes portions of Linwood and portions of Longport, as Dr. Perniciaro said and he thinks everybody would agree, that it is to be expected that the Longport income would be higher. Attorney Doyle stated Dr. Perniciaro testified the numbers he saw Longport had the highest income. So Attorney Doyle indicated he would say his expectation is that, and you cannot be determined it, you feel that if Longport were taken out magically and you could narrow what it is. It would be lower than \$84,000.00 in other words it got to the \$84,000.00 because of the Longport influence.

Attorney Doyle stated what he does know is this. That there is no sufficient data to say that Seaview Harbor income of their permanent residents is significantly and perhaps no different than the balance of Egg Harbor Township. He stated let him make that point with this question. He asked Special Board Planner Wiser on Page 278 what is the largest number of households. He asked is it not census tract 118.02. Special Board Planner Wiser asked Attorney Doyle to wait one moment. May the record reflect after a few moments Attorney Doyle asked Special Board Planner Wiser if he was looking at something in his computer to answer a simple question. Special Board Planner Wiser stated he thought he had access to data in his computer. He apologized to Attorney Doyle. Special Board Planner Wiser stated on Page 278 stated it is 118.02. Attorney Doyle asked if that is also not the census tract in Egg Harbor Township that has the highest estimated median income. Special Board Planner Wiser stated it appears to be. He indicated on this chart it is.

Attorney Doyle asked what area of Egg Harbor Township encompasses by census tract 118.02. Special Board Planner Wiser stated does not have that as part of the map. He indicated it is off the map. But it seems to be bounded by West Jersey, the Parkway and then it is off the map, down to Ocean Heights. Board Member Aponte asked if this is the Bargaintown area. Special Board Planner Wiser stated it appears to be.

Attorney Doyle stated he does have some questions for Special Board Planner Wiser concerning Dr. Perniciaro's report, however, we could save the time and for the substantive reasons Special Board Planner Wiser has already given to strike the report from evidence. Board Member Aponte stated would we not go through that in a process point of review. Special Board Solicitor Marcolongo stated it has already been enter into evidence. We have hour(s) worth of testimony associated with it. He indicated obviously questions have been raised based upon cross examination and will be raised here and other places in the future. He stated he believes for a complete record you need to have it and

board will certainly give it the appropriate weight should have it and the weight based upon the questions that have been raised. Special Board Solicitor Marcolongo stated he would recommend we continue to have it in the record. Attorney Doyle stated he knows there is a process but he has not responded to the very question that was asked by Board Member Aponte on September 30th. Board Member Aponte asked for a moment. He then asked Special Board Planner Wiser if he had called Dr. Perniciaro about the specific question Attorney Doyle characterized. Special Board Planner Wiser stated when we left here he advised Dr. Perniciaro he would be contacting him. He stated he sent him a bunch of emails and he had not heard back. Board Member Aponte asked specifically to what the question was. Special Board Planner Wiser stated to follow-up on the open issue.

Special Board Solicitor Marcolongo stated he has not read the report in a number of months and there may be other portions of the report that remain relevant and are of some value to the board beyond the census data regarding income. Attorney Doyle stated given the credibility of the witness that he said there was a written explanation and he acknowledge he have to check on it and despite being importune by Special Board Planner Wiser, he did not in several emails, on this specific question he did not. Attorney Doyle stated he fails to see how the board could feel, for its own self product and worth of what it does, any creditability in Dr. Perniciaro. Attorney Doyle stated he obviously off-shot the mark when he repeatedly said, I made sure Longport was not in it, I made sure it was just Egg Harbor Township and he was dead wrong. Board Member Aponte stated where he agrees with Special Board Solicitor Marcolongo and the board has not made a decision yet. It has been a long time since he read it and give the board an opportunity to re-read it. Chairman Garth asked if Attorney Doyle is asking for his whole report. Attorney Doyle stated all three (3) pages of it. Board Member Aponte stated that is correct all three (3) pages of it we will re-read again.

Attorney Doyle stated having re-read it over the last three (3) days and questioning everything in it. He has all the more reason to question and he would be amazed if the board won't. Board Member Aponte stated Attorney Doyle maybe right, but give the board the opportunity re-read it. Attorney Doyle stated he only recalls that when he was told. Board Member Aponte stated to Attorney Doyle that not everything has to be an argument. He asked Attorney Doyle to please allow the board to re-read it. Board Member Eykyn asked if the Doctor was the witness that when he left said we would not need to have him redo it. That he did not have to get more information. Special Board Solicitor Marcolongo stated he does believe there was someone but not sure who. Board Member Eykyn stated we were discussing Longport, as well as, Anchorage Poynte to whether that was pulling down or raising the income.

Attorney Doyle asked Special Board Planner Wiser given what you said and the discussion tonight can you say with confidence now that the residents of Seaview Harbor are more affluent than their Township counter parts. Special Board Planner Wiser stated he would say to the extent that the housing values, their assessed values, relate to affluence he would have to say yes, but would like to have the opportunity to go back and see look at the data. Attorney Doyle stated that is a limited and indirect way of trying to attribute income to the value of a house is it not. Special Board Planner Wiser stated it is not an indirect way it is a direct way. He stated not income but affluence. Attorney Doyle stated he looks at some people in the audience who appear to be even older than his 73 years and they live in Seaview Harbor. He asked if you could tell by looking at them whether they owned a house for 25 years, the mortgage is paid, and don't want to move. Though the house is assessed at \$600,000.00 their income is \$60,000.00 he could not tell could he. Special Board Planner Wiser stated he would never attempt that.

Attorney Doyle then referred to Special Board Planner Wiser footnote 151 on Page 108 of his report, by reading a section of it onto the record. He then asked Special Board Planner Wiser based upon what he just read who conducted the visual survey. Special Board Planner Wiser stated he did. Attorney Doyle asked if he did a drive by. Special Board Planner Wiser stated yes. Attorney Doyle stated a windshield inspection. Special Board Planner Wiser stated he looked at the area. Attorney Doyle asked how many times. Special Board Planner Wiser stated at least ½ dozen, as he previously indicated, he drives by there all the time. Attorney Doyle asked how Special Board Planner Wiser knows which of the households should be figured in the income because they are permanent residents or does he. Special Board Planner Wiser stated he does not. Board Member Aponte asked if he can tell that for any of the other wards either. Special Board Planner Wiser stated no. He advised he does not know in his neighborhood. He indicated if he does not know the people he does not know who is a full time resident.

Attorney Doyle asked what Board Member Aponte meant by others. The rest of Egg Harbor Township. Board Member Aponte stated the rest of the census tracts. He indicated it would stand to reason if you cannot find one you cannot find another, correct. Attorney Doyle stated it does but given the fact that in Egg Harbor Township mainland, according to the census data, 98% of the people living in the mainland live their year round. He indicated based upon the census data and the survey done by the residents confirm each other where only 43% to 44% of the people live all year round. He stated it is not a question of you just look at the houses. He stated in Egg Harbor Township you know almost everyone lives in their house all year round.

Special Board Planner Wiser asked what does that have to do with their affluence. Attorney Doyle stated Special Board Planner Wiser indicated he determined their affluence in part by doing an inspection of the houses. He stated Board Member Aponte said you could do the same thing in Egg Harbor Township and you would not know it. Attorney Doyle stated his point is Special Board Planner Wiser is ascribing affluence to people who may live in Pennsylvania, Delaware, or somewhere else in New Jersey and have a second home in Seaview Harbor. He stated they are not the people who affluence is determined by is it. Special Board Planner Wiser stated so Attorney Doyle is arguing somebody who has two (2) homes is less affluent. Attorney Doyle stated no. He is saying when you say Seaview Harbor residents are more affluent. Does resident there mean 12 month resident or part time resident.

Special Board Planner Wiser stated perhaps he should have said property owners. Attorney Doyle stated so if they are not a resident and a property owner what besides their tax bill do you lose if they continue to live only a little bit of their time in Seaview Harbor. Special Board Planner Wiser asked what does Attorney Doyle mean by what do you lose. Attorney Doyle asked what does Egg Harbor Township lose. He indicated Special Board Planner Wiser stated you lost their social diversity that came from them. Attorney Doyle indicated if they do not live here year round, and their economic diversity, and they don't send kids to the school district, they don't participate specific activities and they do not frequent the businesses in Egg Harbor Township or the churches than what has been lost other than the payment of their tax bill.

Special Board Planner Wiser stated they have a contribution while they are here. Attorney Doyle asked what is that contribution. Special Board Planner Wiser stated the same contribution of the full time residents during the months that they are here. Attorney Doyle asked what is that contribution. Special Board Planner Wiser stated o.k. maybe they have no contribution socially. Special Board Solicitor

Marcolongo stated at least as the second property owners, right. Special Board Planner Wiser stated yes.

Attorney Doyle stated the petitioners placed into these hearings evidence concerning their long held belief that deannexation has been in their interest since the early 1980's, did they not, more specifically S10, S81, and S82. Special Board Planner Wiser stated he forgets the exact year but some have said it goes back longer than others. Attorney Doyle stated they placed in minutes from a May, 1982 meeting at which deannexation was going to be sought and the association would continue it until it seceded. He indicated that was within a month of the two (2) Orphans article, which is S94, where Mr. McCullough voiced the same thoughts. He indicated this has been an issue out there for 30 plus years has it not. Special Board Planner Wiser stated apparently. Attorney Doyle stated again in the late 1990's evidence was put in concerning it being discussed at the meetings, there were minutes, there was a committee formed, there was a resolution drawn and then there was a meeting where S81 and S82 show where Mayor McCullough said it was not going to go anywhere because Longport and Egg Harbor Township was against it. He asked if Special Board Planner Wiser saw that piece of evidence. Special Board Planner Wiser stated yes, he did.

Attorney Doyle stated there was also the discussion Mr. McGlinchey said moving into the 2000's and longport was against it and in the 2000's that Mayor McCullough said upon him becoming president, it isn't going anywhere so don't pursue it. He asked Special Board Planner Wiser if he recalls that testimony. Special Board Planner Wiser stated words to that effect. Attorney Doyle asked Special Board Planner Wiser if he recalls Mr. McGlinchey testifying he conducted a one (1) question survey, as president, that showed people were for secession. Special Board Planner Wiser stated that he does not recall.

Attorney Doyle stated that whole history was not noted, to his recollection, anywhere within Special Board Planner Wiser report. Special Board Planner Wiser stated he thinks he goes back and speaks about things historically. He indicated he does not remember, frankly, said that or not. He stated he does talk about how certain of the residents have had a long history of dissatisfaction. He indicated if he did not say it the way Attorney Doyle thinks he should have said it. Attorney Doyle stated he thinks Special Board Planner Wiser should have said it how he fairly thought about it. But dissatisfaction with government is not unusual especially and particularly perhaps because the services at the municipal level are the most personal. Picking up garbage, providing parks, police protection, emergency services and everything that goes with that. But is not secession different than just being unhappy. He asked isn't deannexation or wanting to leave a town unusual. Special Board Planner Wiser stated yes, so.

Attorney Doyle asked Special Board Planner Wiser is it not unusual that a particular area for over 30 years has in writing their minutes, newspaper articles, drawing resolutions to say they want to secede. He asked if he could think of any other area, perhaps South Seaside Park. Special Board Planner Wiser stated Strathmere. Attorney Doyle stated his point is in some of the cases an effort to secede is suggested by the court to be brought about as a response that just happened to be particularly and unique. He stated in the Russel case there was a sewer plant to be built and all of a sudden the people from Cedar Run wanted to move from Eagleswood, which readily let them go but Stafford said I don't think so. He advised it seemed to have its genius in that sewer plant, correct. Special Board Planner Wiser stated yes.

Attorney Doyle stated in trying to prove its case it would have been more appropriate if it was a long term desire as opposed to some short term reaction to some spark. He indicated the 30 + plus year

history seeking deannexation, admittedly not to the petition level, would it not negate the idea that it was some spontaneous reaction of particular action by Egg Harbor Township. Special Board Planner Wisner stated maybe. He indicated there are a lot of different issues that could be brought to bear, maybe. Attorney Doyle referred to the minutes of March 31st, 2014, Page 16, after Mr. Koehler testified about what was going on 35 years ago and the desire to leave. He indicated Board Member Rosenberg had asked what was going on in the Township thinking 25/30 years ago. He noted the minutes reflected he thought it was only one perspective to hear from the petitioners about what was happening then. Attorney Doyle noted Special Board Solicitor Marcolongo stated he and Special Board Planner Wisner investigate the period to ascertain the Township feelings secession issue back then. He asked if this investigation was done as asked for. Special Board Planner Wisner stated no, he did not.

Attorney Doyle stated Special Board Planner Wisner had been informed by Mr. Miller in an email dated April 25, 2014 that Mayor McCullough was the president of the Seaview Harbor Civic Association in the 1980's was he not. Special Board Planner Wisner stated whether it was through Mr. Miller or an exhibit, one of the Press articles he cannot remember. May the record reflect: Attorney Doyle presented a copy of this email to Special Board Planner Wisner. Special Board Planner Wisner stated o.k., adding that this does not mean that he did not know this beforehand, but be that as it may. Attorney Doyle stated on the flip side of the email he just presented is a lengthy email from Mr. Miller. Attorney Doyle stated he would not read it all but did read a portion onto the record. He also noted this email is dated April 24, 2014.

Attorney Doyle stated this email discussed goes back to April, 2014. He indicated over this two (2) year period of time Special Board Planner Wisner worked closely with Mr. Miller as the case was developed by and through him. Special Board Planner Wisner stated he would not say he worked closely with Mr. Miller. He stated there were times where he needed information. He stated as we went through this before where he asked Mr. Miller to compile the information. He stated there were times Mr. Miller had sent information unsolicited that he used or decided not to use. Attorney Doyle stated besides the emails and the sharing and exchange of information Special Board Planner Wisner went to a number of meetings where Mr. Miller and various other Township Officials appeared. Special Board Planner Wisner stated and Special Board Solicitor Marcolongo.

Attorney Doyle as was mentioned at the last meeting he OPRA his vouchers and Special Board Solicitor Marcolongo's vouchers. He asked Special Board Planner Wisner knowing this had reviewed his vouchers. Special Board Planner Wisner stated he reviewed his time sheets. Attorney Doyle asked if Special Board Planner Wisner compared them to Special Board Solicitor Marcolongo's as to who attended what meetings. Special Board Planner Wisner stated no. Attorney Doyle asked if Special Board Planner Wisner remembers testifying that he met with Township witnesses for only sharing what was said by petition supporters regarding the subject area of the Township witness so the Township witness could be brought up-to-date. Special Board Planner Wisner stated yes. Attorney Doyle stated no other purposes to meet with them prior too. Special Board Planner Wisner stated his pause is limiting do not want to get caught up in exact words he read versus conversations of what were had. But that was the general to help prepare, inform, and discuss the presentation that the various people were going to make.

Attorney Doyle stated Special Board Planner Wisner voucher shows on March 28, 2014, you did a site visit and follow-up analysis and meeting with Township Administrator. He indicated this shows it took eight (8) hours and Special Board Solicitor Marcolongo has no time voucher for that day or shows meeting with Mr. Miller. He asked Special Board Planner Wisner that his earlier testimony that he only spoke to municipal officials with Special Board Solicitor Marcolongo present accurate given what he just said.

Special Board Planner Wisner stated he believes he went to Mr. Miller to pick-up some packet of information or something but there was no substance of conversations. Attorney Doyle questioned no substantive conversation. Special Board Planner Wisner stated it does not separate it. He indicated it says follow-up analysis and there were a number of things that were done that particular day. Attorney Doyle stated understood.

Special Board Solicitor Marcolongo asked when was the first meeting. Attorney Doyle stated March 31st and the second one was April 21st. Attorney Doyle stated Special Board Planner Wisner vouchered for a meeting on April 22, 2014, "prepare for and attend Board Professional's project coordination meeting", for eight (8) hours. He asked who called this all day meeting. Special Board Planner Wisner advised he did not say the meeting was all day. He indicated again, it says prepare for and attend. Attorney Doyle asked what part of the eight (8) hours was attendance. Special Board Planner Wisner stated he has no idea. Attorney Doyle stated it is unlikely he prepared for 7 ½ hours and had a ½ hour meeting. He asked is there not usually a ratio between the two (2). Special Board Planner Wisner stated no. Attorney Doyle asked who called the meeting. Special Board Planner Wisner stated he would imagine Special Board Solicitor Marcolongo called the meeting but he does not know. Attorney Doyle asked who was present. Special Board Planner Wisner stated he does not know. Attorney Doyle asked if he kept field notes. Special Board Planner Wisner asked the date. Attorney Doyle stated April 22, 2014.

May the record reflect Special Board Planner paused for a moment and looked at his information then stated no. Attorney Doyle asked what was the purpose of the meeting. Special Board Planner Wisner stated what he wrote. He indicated his guess would be that was himself, Special Board Solicitor Marcolongo, perhaps Leon (Mr. Costello) and Peter (Mr. Miller) coordinating how we were going to move the process forward. Attorney Doyle stated at that point the process was we were going to present witnesses and then their experts. He stated a process that took from March 31st to October 24th. He asked what the board was processing on April 22nd when we just had only our second (2nd) hearing. Special Board Solicitor Marcolongo interjected for a moment. He stated quoting from Judge Armstrong one of his positions is to be a meeting coordinator and to assist the board in obtaining the witnesses, getting them prepared to come in, and understand what the board is going to be asking from them. He stated we would not wait until after Attorney Doyle's entire presentation done to begin that process.

Special Board Solicitor Marcolongo stated we certainly had met, he can remember, with Mr. Costello one time early in the process and then did not meet again with him for another five (5) months. So it may have been a situation where he meet with him and said look this is happening start to get your act together. Something as simple as that. Attorney Doyle stated understood. Special Board Solicitor Marcolongo stated it may have taken an hour to say get your act together. Attorney Doyle stated on the April 22, 2014 Board Solicitor Marcolongo voucher does not show him at that meeting. Attorney Doyle asked Special Board Planner Wisner if Special Board Solicitor Marcolongo being at all your meetings inaccurate. Special Board Planner Wisner stated with the exception of picking up packages of information all of the meetings Special Board Solicitor Marcolongo was there. Special Board Solicitor Marcolongo stated yes.

Attorney Doyle indicated he appreciates Special Board Solicitor Marcolongo's charitable efforts in appearing at a several hour meeting and not billing. Special Board Solicitor Marcolongo stated his staff would agree with Attorney Doyle that he often forgets to bill his time. Attorney Doyle stated Special Board Planner Wisner and Special Board Solicitor Marcolongo met with Mr. Miller on April 14th for 4.75 hours. He indicated if his job was to listen to the witness at the hearing and make findings why was it

necessary after one hearing to meet with Mr. Miller after he had already recused himself from these proceedings except to be a witness. Special Board Planner Wisner stated Attorney Doyle is asking what was a conversation that was had at a meeting two (2) years ago. He stated he does not remember. Attorney Doyle stated Special Board Planner Wisner and Special Board Solicitor Marcolongo met with Mr. Miller again on October 28, 2014 for which he shows 5.75 hours. As said earlier and earlier tonight Special Board Planner Wisner only purpose at these meetings was to recollect petitioner's testimony. What was the necessity in meeting with Mr. Miller who was at all these meetings when the petitioner's had testified. Special Board Planner Wisner indicated he did not say the only was to, whatever Attorney Doyle said about testimony. There was discussions about what information would need to gathered, how that information was going to gathered, who was going to gather, how it was going be put together, how it was going to be presented. He stated having gone through this before we talked about who was likely to be testifying for the board from the Township.

Attorney Doyle and to what they were to testify to. Special Board Planner Wisner stated no. Special Board Solicitor Marcolongo stated Special Board Planner Wisner might be better at this, however, say we met with Mr. Miller on April 15th and exact day and he tends to bill his time and he may bill it the day after he goes to a meeting and then his secretary gets it in his dictation two (2) days later. The date she puts on it is the date she is getting it. So this meeting where he bills for it might not match up with the exact day that Special Board Planner Wisner has on his just by the way his billing gets into his system.

Attorney Doyle stated he appreciates that and he will not ask any questions when he thought there was a typographically error. When there was the same meeting shown on both vouchers though Special Board Solicitor Marcolongo's was a different day and there was several of those and he understands that but he will not ask about those. Attorney Doyle asked Special Board Planner Wisner that he and Special Board Solicitor Marcolongo met with the Department of Public Works Director on October 28, 2014 for 5.75 hours. He asked why Mr. Miller, who has recused himself, who is the Director's boss at that meeting. Why could they not have just met with Mr. Simerson. Special Board Planner Wisner stated Peter (Mr. Miller) was there and then he left. He was there because he is Mr. Simersons' boss. He introduced the topic, set up the dynamic and then left. Special Board Planner Wisner stated as he had done for most of those meetings.

Attorney Doyle asked what Special Board Planner Wisner means by setting up the dynamic. Special Board Planner Wisner indicated he said this is what we are doing, this is what is going on, this is what we are going to be asking you to do at the marco-level. Attorney Doyle asked that is Mr. Miller Special Board Planner Wisner is quoting or paraphrasing. Special Board Planner Wisner stated he is not quoting anyone that is the tone of participation. Attorney Doyle asked Mr. Miller's. Special Board Planner Wisner stated yes. Special Board Solicitor Marcolongo asked for a proffer to this line of questioning does not know if the board is finding it particularly relevant to the issues of their final determinations. Chairman Garth stated this is correct. May the record reflect several other members spoke over each other agreeing.

Attorney Doyle stated it is a fair question and fully expected it. Chairman Garth asked where are these questions leading too. Attorney Doyle stated Special Board Planner Wisner has testified that while these meetings were held the purpose was to allow the non-attending witness better appreciate as to what they responding to. He indicated he can understand that but it seems to be deeper than that. He indicated certain of these meetings, one which he mentioned, that there was eight (8) hour vouched for and another he has not gotten to ask, which was eight (8) hours. Attorney Doyle stated they were both shown as a management conference. He stated he does not know what was to be managed as a team effort. He indicated Judge Armstrong's opinion, as Special Board Solicitor Marcolongo pointed out,

because the Township wanted to have the attorney there and that is what she said wrong. Attorney Doyle indicated respectfully that is only half right. He stated what Judge Armstrong said was your function is independent, unbiased, separate and different from the Township Committee. Attorney Doyle stated Special Board Planner Wiser has testified at the very beginning it was open independent and unbiased.

Attorney Doyle stated it is in not in any way to demean the valued public servant Mr. Miller has been for 26 years. However, Mr. Miller recused himself reluctantly on the basis Attorney Doyle requested it and Mr. Miller said through Special Board Solicitor Marcolongo he would reluctantly recuse himself. Attorney Doyle stated he asked for the recusal because Mr. Miller was going to testify and you cannot be a witness and a board member. In addition, Mr. Miller, before the hearings stated said Egg Harbor Township is opposed to the petition. Attorney Doyle asked how can you be open, independent, and objective if you have already picked your team. Attorney Doyle stated the case law, adding he will give Special Board Solicitor Marcolongo a memo, that says recusal does not simply mean not showing up and not voting. He stated it means not participating in the process at all. It means not trying to influence the board's ultimate determination yet as we go through the vouchers and the common denominator for all of this and all these meetings and what was just said Mr. Miller was his boss. Mr. Miller was putting forth the dynamic of what the meeting was to be.

Attorney Doyle stated Mr. Miller was putting forth what was expected of the witness. He indicated what we have is not a Township Attorney asking questions but we have the Township through the single, most important day to day person under Chapter VI of your administrative code runs the town not on a policy basis, but on an administrative process and he is putting the team together to put the case in. He indicated we had Mrs. Bechtel come and there is nothing in the vouchers, she did not meet with anyone. She had a story to tell and she had pieces of evidence and she came in. Mr. Simerson stated he read the minutes, was at some of the meetings, knew what the facts were but there was nine (9) hours of meetings with Mr. Miller present.

May the record reflect: Special Board Solicitor Marcolongo and Special Board Planner Wiser simultaneously stated no after Attorney Doyle's last comment. Special Board Planner Wiser stated it was a mischaracterization and Special Board Solicitor Marcolongo stated it is a misrepresentation. Attorney Doyle stated no and asked Chairman Garth that if he is to be interrupted he would like his intervention. Attorney Doyle stated he was asked to provide and proffer and he is giving the proffer. Chairman Garth stated he would allow Attorney Doyle to continue but Special Board Planner Wiser will answer or rebut. Board Member Aponte stated we can ask questions.

Attorney Doyle stated he welcomes any questions, however, it is a matter he feels deeply about that he could not properly represent his clients if he did not put it on the record that what has and he has no idea or thought about this until he saw the records and there is a steady drum beat of meetings that include the Township cabinet participated in by the recused Mr. Miller that whether it included Special Board Solicitor Marcolongo or not it does not sanitize the meeting because a lawyer is there. He indicated it is still the Township putting together as case. He stated it could strain credulity to believe the case had to be put together if it was going to be anything but objective. He indicated the witnesses could have come forward and said what they were going to say. Attorney Doyle stated if he were to have to add up the hours, tens of hours of meetings with people. Chief Danz, Chief Stauffer, Chief Winkler, Director Simerson, Dr. Perniciaro. Everybody who sat in that chair met with the exception of Mrs. Bechtel and Dr. Perniciaro met with Mr. Miller who had recused himself.

Attorney Doyle stated every one of them met before the meeting and at least one if not more than one occasion with Special Board Planner Wisner who is to come here and be independent, open and objective. He stated Special Board Planner Wisner continues to share information with Mr. Miller. He stated that to him does not speak as an independent, open, and objective process that should lead to a separate role, as Judge Armstrong ordered, for the Board to do than the Township.

Board Member Aponte asked what other team would have you gotten. He asked if there is anyone else in those departments that would have been able to do the job in answering the questions. Attorney Doyle stated he does not have any problem with Special Board Solicitor Marcolongo determining, having been through this before, that certainly the comments made by petitioners would suggest they are unhappy with the police department and police services so the police chief should be there. He indicated they feel strongly of that because the fire and ambulance come from Longport. He indicated they wanted to point out that and maybe we should have the fire chief and the ambulance person there. He indicated certainly from a Township standpoint.

Board Member Aponte stated maybe he will shorten the question. He asked any of the witnesses the Township gave did he have any issue with any of them. Attorney Doyle stated he does not have any issue with the people they chose to call except perhaps Dr. Perniciaro for reasons not relevant here and which we discussed earlier. Board Member Aponte asked if we have a Deputy Township Administrator. Township Committeewoman Pfrommer stated we do not. Attorney Doyle stated he does not have any problem with Mr. Miller having testified. He stated he thinks it was appropriate, he indicated he will not go into length on the subject matter, but he is the administrator and we said that services were deficient.

Board Member Aponte stated he is speaking for himself, however, he is an employer. He is the boss and you are asking to speak with one (1) of my employees. I come into the meeting, say this is my employee you may talk to them about what is going on and then I walk out. He asked Attorney Doyle if he has an issue with that. Board Member Aponte stated that is how he would do it. He then asked Attorney Doyle who else would have done it. He stated if Judge Armstrong said you cannot have Township Committee, if you do not have a Township Administrator, who else would have had that roll at least to "set the meeting up" as the employer to talk to my employee who I am paying for on my company time. He asked who would have done that.

Attorney Doyle stated he does not see what would have been wrong or out of the ordinary for Special Board Solicitor Marcolongo to be given Mr. Simerson, Chief Davis and I need you at such a date, come to the meeting, come a little earlier and we will talk about what the case is. He stated you accept the testimony that frankly that he has a hard job accepting. He stated he heard it given but when he sees on October 31, 2014 an eight (8) hour meeting at which there were different notations on the vouchers but Special Board Solicitor Marcolongo shows as a management conference with Mr. Miller, Mr. Wisner, and Mr. Costello and Mr. Danz present. It would seek to him a team approach. He stated if a single witness who is going to testify and it was just an introduction so you are not sitting in a room wondering whom someone is, but an eight (8) hour meeting with the Township cabinet at a self-described management conference sounds to him not to be an individual interview that is a team putting its case together.

Board Member Aponte asked what does Attorney Doyle mean by cabinet. Attorney Doyle stated in another town he was the Township Attorney and we used that phrase to describe the Public Works Department, Police, whomever were at the top of a separate budget nitch. He indicated that is Township Government all together meeting with the Township Administrator, who has recused himself.

Board Member Aponte stated he thinks we are bordering on Attorney/Client privilege. He indicated he believes we are bordering on a lot of things, specifically the meetings that Special Board Solicitor Marcolongo were in. He stated we are treading on interesting waters here. Special Board Solicitor Marcolongo stated it all goes to parts that are not important to this board when you are trying to determine what the impacts are. He stated that is the key element of this. Attorney Doyle noted he thinks it is absolutely important, before you determine the impact, you have to determine your roll.

Attorney Doyle stated Judge Armstrong determined what the boards roll is. Open, independent, objective and separate from the Township Committee. Attorney Doyle stated you cannot be separate from the Township Committee when, though its highest official, the cabinet and the board professional's there is a series of meetings; management conferences with all of them together. He stated he understands the question but if Chief Danz had fire knowledge, if Mr. Costello had economic. Board Member Aponte stated he asked a question but it is not answered. He stated there is no deputy administrator, Township Committee cannot be involved who else would have been the person to introduce and tell them what is going on. Attorney Doyle stated a minute introduction perhaps but the perception should not have been aroused. He indicated either of these two (2) competent people. Special Board Planner Wiser or Special Board Solicitor Marcolongo, who have been this way before, in a town, in which if he recalls did not have an Administrator and municipal employees were put to the task of testifying, could have picked-up the phone and called people.

Special Board Solicitor Marcolongo stated that is because in Upper Township he was previously on Township Committee and he knew every one of those people and knew their extensions and he called them up and they knew to come and meet with him. He advised here he knew no one. Special Board Planner Wiser stated he needs to absolutely reiterate that on the line items that Attorney Doyle talked about. He indicated it is a meeting, follow-up or prepare for and do this, that or the other thing. He advised the meetings were not eight (8) hours or nine (9) hours. He stated this is the amount of time he spent on Egg Harbor Township deannexation on this day and this is what the various things were. He stated Attorney Doyle is going to say eight (8) hour meetings. He stated that is just plain out wrong, it is factually incorrect and misleading the Board. He advised secondly his characterization of you take this and I will take that as if Mr. Miller and himself were divvying up who is going to do what piece of this is a gross mischaracterization of what happened. He indicated as he said weeks ago and earlier tonight. We all know Mr. Miller, with all due respect, Mr. Miller will send you a lot of stuff some he used, some he does not use, some may spark a question but probably not. But to sit and make an assertion that Mr. Miller and he were somehow colluding to take this board in a path other than an independent investigation is insulting. He stated it is insulting to him and to Mr. Miller and he thinks it is insulting to the Board.

Attorney Doyle stated he appreciates Special Board Planner Wiser 43 pages of lawyering and he continues to do so here. Attorney Doyle stated he made two (2) points, three (3) maybe and he would like to address them specifically. Attorney Doyle stated he did not misrepresent. Attorney Doyle stated he read and asked Special Board Planner Wiser to read the email. May the record reflect Attorney Doyle again read the email into the record. Attorney Doyle then referenced the second point. The meetings. He stated on October 31, 2014, Special Board Planner Wiser billed eight (8) hours prepare for and attend meeting with Fire Chief and Township Administrator. He indicated on the same day Special Board Solicitor Marcolongo vouched attendance at management conference with Peter Miller, Stuart Wiser, Leon Costello, and Bill Danz, which included travel time, eight (8) hours.

Special Board Solicitor Marcolongo stated no, not eight (8) hours. Attorney Doyle then presented voucher to Special Board Solicitor Marcolongo to review and asked if he misread. Special Board Solicitor Marcolongo stated no. He indicated he does remember this day because they had lunch from the place that is adjacent to the municipal building. Special Board Planner Wiser stated he now recalls that day. Attorney Doyle asked Special Board Planner Wiser now that he recalls was Mr. Miller there for the duration. Special Board Planner Wiser stated he was there for lunch. Attorney Doyle asked who ran the meeting. Special Board Planner Wiser stated Special Board Solicitor Marcolongo. Attorney Doyle asked if all those people that are described on Special Board Solicitor Marcolongo's voucher, meaning Leon Costello and Bill Danz there in addition to Mr. Miller.

Special Board Planner Wiser stated if he recalls the way it worked Mr. Costello in the very beginning and had to leave because it was the day of a flood and he had to get back to his office to evacuate his office. He stated that we had lunch and Mr. Danz came in. Special Board Planner Wiser stated these meetings were not everyone sitting in the room at the same time. They were, for lack of a better term, revolving door meetings. He gave as an example someone comes in at 9:00 they meet with them for a little while, they leave, we stay, and someone comes in at 10:00 and that is the way they work.

Attorney Doyle asked Special Board Planner Wiser given the economics is obviously an important part of this. He noted the statute says works the economic detriment and talks of significant injury to the Township so on both sides economics are important. He stated to the degree Mr. Costello among all of these the people is the only financial witness and given Mr. Costello testified that he prepared his own report and that he sat here and heard our only financial person testify. I take it to mean in total that he did not need to be at a meeting with the Fire Chief, you, Mr. Miller, Special Board Solicitor Marcolongo. He indicated he was not going to testify in this matter for nearly a year. Special Board Planner Wiser stated we did not know that. He indicated we did not know when he was going to testify. He stated we did not know how long it would take for Mr. Miller.

Chairman Garth announced it is after the 9:00 p.m., hour. Attorney Doyle stated he appreciates the board's question and he tried to expand upon it directly. He stated he will provide Special Board Solicitor Marcolongo with a legal memo as to why he thinks it is relevant and the concerns he raised back in March, 2014 and what has materialized since that gives him these concerns. Attorney Doyle noted not as to the board's roll, as he said before, the question was has does this go to your impact report. Attorney Doyle stated before the board does their impact report you have to proceed as open, independent, objective and if it was not than he believes the board has to re-examine how you right the ship. He indicated having said that and not wanting to draw a response you made your point he made his. He will submit the legal memo to Special Board Solicitor Marcolongo and set things right.

Special Board Solicitor Marcolongo stated he does believe that it is has been separate and distinct. He indicated, except for Township Committeewoman Pfrommer and the one time that he saw the Mayor at McCullough's, he does not know anyone on Township Committee. He further noted he has not met anyone on this board prior to the commencement of these proceedings and nobody has had any meetings with him separate and apart. He indicated we have kept it apart intentionally. He stated we have tried to insulate you and he believes they have done a pretty good job in doing so. Chairman Garth stated he agrees.

Special Board Solicitor Marcolongo stated he spoke with Board Secretary Wilbert today and it appears the only date available in May will be the 24th. He added he has a vacation and Special Board Planner Wiser has a schedule and also had to consider Memorial Day weekend. He advised this is the only day

both he and Special Board Planner Wiser are available that month. Attorney Doyle stated he is good on that day. He would assume he will not be all night with finishing with Special Board Planner Wiser. Special Board Solicitor Marcolongo stated Attorney Doyle advised he also wants to discuss several procedural issues that he wanted to talk about. Attorney Doyle stated some he has spoken of earlier and a legal memo will too and he will handle as expeditiously as possible with Special Board Solicitor Marcolongo in a discussion. Special Board Solicitor Marcolongo stated he hopes so because he is trying to figure out how we correct something two (2) years into the process and if it is suggested that we begin again, every board member would quit. Attorney Doyle stated no, no.

Attorney Doyle stated assuming we finish what would we move to next. Special Board Solicitor Marcolongo stated his anticipation would be to give the Board a period of time to go back review their notes, make sure the recordings are listened to, and the exhibits be placed together to get themselves prepared to come back to a meeting and set forth their findings of fact and conclusions of law. He also stated he would hope it would be about four (4) weeks or so to place this together. He advised assuming Attorney Doyle completes his cross examination on May 24 then he would hope to schedule a meeting at the end of June to set forward their findings of fact. He would request four (4) weeks for himself to complete the final report and resolution that we would submit to Township Committee. He stated this is what he is anticipating at this point.

Chairman Garth excused himself for a moment advising Board Member Aponte would be taking over the meeting at this point. Board Member Aponte stated ten (10) weeks. Township Committeewoman Pfrommer stated two (2) meetings. Special Board Solicitor Marcolongo stated three (3) meetings and he would assume the third (3rd) meeting would just be we would walk into the room, he will have already provided the board with his report, if the board is satisfied with the report and resolution, we adopt it and they are done. He stated he cannot imagine it being more than a half hour.

Attorney Doyle asked if it is not possible that the review process that you start, which he has seen the board members with their books and exhibits and they are all up to date. Special Board Solicitor Marcolongo stated he cannot assume that and he does believe they are going to take this job very seriously in order to digest two (2) year(s) worth of hearings.

Motion Carman/Eykyn to carry public hearing to May 24, 2016, 5:00 p.m., prevailing time. VOTE 6
Yes: Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg

SUMMARY MATTER(S):

SECTION I: Discussions of matters pertaining to the Board:

A: General public discussion: Motion Carman/Eykyn to open public portion
May the record reflect no one came forward
Motion Rosenberg/Pfrommer to close public portion

May the record reflect: Chairman Garth returned to the Board.

Motion Carman/Rosenberg to adjourn a 9:12 P.M. VOTE 7 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg

Respectfully submitted by,

Theresa Wilbert, Secretary

